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1876–1926

THE PRIVY COUNCIL OF ENGLAND

1603–1784

II

THE PRIVY COUNCIL OF ENGLAND

IN THE

SEVENTEENTH AND EIGHTEENTH CENTURIES

1603–1784

By

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the Johns Hopkins University

VOLUME II

BALTIMORE: THE JOHNS HOPKINS PRESS
LONDON: HUMPHREY MILFORD
OXFORD UNIVERSITY PRESS

1928

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ALMA MATER AND
PATRON

MCMXXVII

PREFACE

IN THIS volume the author's study of the privy council is continued from 1679 to the latter part of the eighteenth century, when it had lost to the cabinet and to various departments earlier activity and power.

Attention is devoted to the various council committees—temporary and standing committees of limited membership and the committee of the whole privy council—for largely in the seventeenth century and almost wholly in the eighteenth the non-formal work of the council was carried on in them. Account of the all-important committee of foreign affairs has been virtually excluded, however, since that, in the author's scheme, is best given in the first volume of his study of the cabinet council, to be published later.

More briefly he has also described those subsidiary councils of war and of trade and foreign plantations, which appear sometimes beside council committees, sometimes in their stead, and then disappear as committees again supersede them. The author has included these chapters with hesitation. In respect of the board of trade, especially, much excellent work has already been done, though not primarily with regard to the relations of that board with the privy council and its committee of the whole council.

The scope of the author's work and the length of his study of the council precluded other chapters on such subordinate bodies as the council of the north and the council of Wales, as in the first volume it had been necessary to exclude chapters on the work of the court of Star Chamber. In these instances, however, he would have had

to deal with bodies that came to an end in the earlier part of the period which he considers; while the council of the north and others like it, though subordinate to the privy council and constantly communicating with it, were organs for particular administration in outlying districts.

The many thousands of details and quotations contained in this work make it too much to hope that all errors can be avoided, but extreme care has been taken in collation and in verification. Certain additional matter and a few corrections are in an appendix.

Indirect obligations can never, perhaps, be acknowledged enough. Would that the author might properly express them: to Mr. R. L. Poole, whose vast erudition and care so long presided over *The English Historical Review*, who repeatedly bestowed upon the author as upon other writers abroad the hospitality and the honor of its pages; to Dr. J. F. Jameson, for a great while dean of American historical scholars, maker of *The American Historical Review*, who printed articles by the author on the development of committees and of the cabinet; to Professor C. M. Andrews, of Yale, sometime professor of English history at the Johns Hopkins University, mentor and guide for so many years to so many in their studies.

EDWARD RAYMOND TURNER.

Baltimore,
December 1927.

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CHAPTER XVII

FAILURE OF THE REFORM OF 1679

OF THE thirty-three members in the privy council sworn in April 1679, twenty-two had been members of the council just dissolved, though two of the members of that council—the earls of Sunderland and Essex—had been recently admitted from the opposition or its connections. Of the fifteen members of the council who sat because they were lords or of the house of commons, ten had been conspicuous in opposition to the crown:

The marquis of Winchester
earl of Salisbury
earl of Bridgewater
Viscount Halifax
Lord Fauconberg
Lord Holles
Lord Russell
Lord Cavendish
Edward Seymour
Henry Powle

though it should be remembered that four of them—Salisbury, Bridgewater, Fauconberg or Falconberg, and Seymour—had been included in the old council. Of the members of the new privy council who sat because of their offices, four had been leaders of the opposition

Monmouth	master of the horse
earl of Shaftesbury	lord president
earl of Essex	first commissioner of the treasury
Sir Henry Capel	first commissioner of the admiralty

of whom Monmouth and Essex had been taken into the council preceding.[1] When Barillon learned who were the members of the reformed council he wrote at once to his master that establishment of the new ministers meant ruin of the duke of York, since Charles, having sacrificed his own authority, would no longer oppose measures to restrict his brother in the event that James came to the throne.[2] Francis North, it is said, wondered how he himself should have come into the council with such company, saying, with exaggeration, that "he was the onely tollerable loyalist in the whole comp[a]" [3]

Interesting as are the constitutional aspects of the alteration of 1679, the change must be regarded as a political expedient more than a constitutional measure. As such it now appears to have been almost foredoomed to failure. In a moment of necessity Charles defeated his opponents by seeming to surrender to them; but associating them with himself, he contrived to make them less dangerous for the moment at the same time that they were made to be objects of suspicion.[4] This might have been as dangerous a situation as the one from which he strove to escape, but the king managed his affairs at this juncture with craft and great skill, time worked in his favor, and presently the peril was passed.[5] Meanwhile the changes which

[1] See W. D. Christie, *Life of Shaftesbury* (London, 1871), ii. 324, 325.

[2] *Ibid.*, ii., appendix, p. cx.

[3] Memoranda Historica: British Museum, Additional MS. 32520, fo. 251.

[4] "In vain also the King had endeavoured to break the opposite party, by making their leaders, Sunderland, Essex, and Hallifax, his ministers; by joining to them Hyde and Godolphin, who were cold friends to his brother: and by framing a new council, into which a still greater number of the popular party was brought, and at the head of which Shaftesbury was placed." Sir John Dalrymple, *Memoirs of Great Britain and Ireland*, etc. (Edinburgh, 1771), i. 49.

[5] "Whereas the Faction intended to make a Property of him, he made sure Work in serving his own Turn upon them; but not without immense Hazards . . . And, accordingly, by this very remarkable State Art, his

might have formed an interesting constitutional experiment were soon abandoned. An interior committee, then, presently, a cabinet council, again supplanted the privy council with respect to important matters. After a short time the new council had coöperation and support from parliament no better than the old one had had. For what remained of the reign of Charles II the number of the privy council was virtually restricted to thirty, but this limitation was abandoned completely also in the reign that ensued.

The reappearance of an interior committee more important than the council, tending to supersede it in executive work and consideration of important matters, belongs to the history of the cabinet, and must be dealt with at length in another place. Suffice it here to say that while Charles had promised for the future to do council work in his council, he does not seem to have felt that such promise precluded him from appointing, among several standing committees of the council, a committee of intelligence, which was, under another name, the committee for foreign affairs. Just before the reform was made Southwell wrote to the duke of Ormonde "That a select Committee as well for the foreign as home affairs of the greatest importance shall hereafter sit in the Council chamber." [6] The committee of intelligence of this time never obtained as much power as the cabinet before it had had, but it marked the beginning of a process by which Charles, abandoning almost at once his promise to treat important affairs in the whole council, withdrew weightier matters to be considered by a limited group. Such

Majesty, at Length, *post varios casus,* gained his End; which was, an Establishment of his Interest with his People." Roger North, *Examen* (London, 1740), p. 77.

[6] Letter of 19 April 1679: *Historical MSS. Commission, Ormonde MSS.,* new series, iv. 504.

action in itself rendered futile the efforts to restore the power of the council.

From the start it was found impossible for the council to stand properly between parliament and the crown, as Temple says he intended. That part of the experiment was obviously destined to fail, since it depended upon effective functioning of a composite body—adherents of parliament and adherents of the crown. In the time of stress in which this experiment was tried, the opposing groups drew farther and farther apart, until the council broke asunder. Nor was efficiency restored until the king's opponents were out of the group, and it had been made thoroughly the king's council again. After the experiment had been tried and abandoned, tendencies, manifest already, continued with greater effect; and after two generations, as the result also of many additional factors, parliament obtained supremacy over the effective part of the council. The events of 1679 and 1680 showed that as the constitution of England was working, the council could not depend on parliament and king both, that it could not yet serve the two of them well.

The new members of the council taken by Charles from among those active before in opposing him in the house of commons almost immediately found themselves suspected by their comrades in the house. Some of them lost favor in parliament; others tried to avoid this by opposing the king more stiffly in the council than they had opposed him in parliament before. Concerning events a few days after declaration of the new privy council Sir John Reresby afterwards noted in his memoirs: "Most of the other lords and gentlemen of the Privy Council, though very great patriots before in the esteem of both Houses, began to lose their credit with them in some measure;

so true it is that the Court and country livery can never be worn together." [7]

From the very beginning the new council was viewed coldly by some who thought no great reformation had been made with so many of the old members remaining, and who were especially opposed to the continued presence of Lauderdale in the council.[8] Before the end of the month Barillon wrote that Shaftesbury and Halifax had told the king it would be expedient, if he would content the lower chamber, to dismiss Lauderdale and employ another minister for the affairs of Scotland; that Charles was not disposed to take this advice; but they were not discouraged and would be supported by the house of commons.[9] In the latter part of April, Shaftesbury, speaking in the house of lords, said that he would hold place in the new council only to serve his country and uphold the good of all the nation.[10]

Barillon wrote to Louis XIV that the new ministers had great fear of losing their credit with the people; that they could only keep it by making the king of England do whatever the house of commons desired.[11] In May when Powle delivered to the commons a royal message asking for money, he did, indeed, speak as the secretary of state—whose place he took—would have spoken, but there was no enthusiasm in what he said. Very manifest was the difficulty of standing between the king and the commons. The members of the house were favorable

[7] *The Memoirs of Sir John Reresby* (London, 1875), p. 168.

[8] Algernon Sydney to Henry Savile, 28 April 1679: *Letters* (London, 1742), p. 45.

[9] Barillon to the king of France, 8 May 1679 (N. S.): Transcripts from Paris, cxlii. 233.

[10] "Qu'il ne vouloit avoir place dans le conseil que pour servir son pays et donner ses soins a la seureté et aux avantages de la nation entiere." Barillon to the king of France, 4 May 1679 (N. S.): Transcripts from Paris (Baschet), xl.

[11] Letter of 11 May 1679 (N. S.): Transcripts from Paris, cxlii. 238.

enough to Powle, but it was assumed that he was doing merely what he must do.[12] When some two weeks later Charles suddenly prorogued the parliament, there were many murmurs. "Some will needs blame the new Councillors, who, being arrived where they would be, throw off the public concerns." [13] According to Algernon Sydney the councillors were ill at ease, fearing that while they tried to keep fair with both parties they might give distaste to both.[14]

The earl of Shaftesbury had been the most dreaded and formidable opponent of the king, the one whom his brother James most feared and disliked. Doubtless Charles had reconstituted his council partly in an effort to diminish the opposition of the earl and, if possible, gain his adherence. At the head of this council Shaftesbury had been placed, the king reviving for him the office of lord president, known in Tudor times, established again for a short period by the first Stuarts, in use at times during the interregnum, but generally in abeyance hitherto during the seventeenth century. The office was now bestowed on Shaftesbury, with rank immediately after that of the lord chancellor, and with a pension of £4000 a year.[15]

The high honor and deference paid to Shaftesbury had little effect. He was doubtless sincere when he told par-

[12] Anchitell Grey, *Debates of the House of Commons, from the Year 1667 to the Year 1694* (London, 1763), vii. 265-78.

[13] Sir Robert Southwell to the duke of Ormonde, 27 May 1679: *Ormonde MSS.*, new series, iv. 519.

[14] Letter to Henry Savile, 2/12 June 1679: *Letters*, p. 83.

[15] "La qualité qu'on donne a Milord Schafberi de President du conseil est accompagnée de quatre mille piéces de pension, son rang est immediatement apres Mr le Chancelier, c'est a dire devant tous les Ducs et les autres grands officiers; cette place n'a point esté remplie depuis le retour de sa Majesté Britanique, mais elle a esté dans tous les autres temps tres importante. Beaucoup de gens croient qu'il rentrera dans la place de chancelier qu'il avoit avant sa disgrace." Barillon to the king of France, 1 May 1679 (N. S.): Transcripts from Paris (Baschet), xl.

liament he had taken his place only to guard the interests of the nation. He seems to have regarded the change as a triumph of the opposition which he had been leading, and he was willing now not so much to serve the king as to dominate the government and the council. The new body had scarcely begun work when the lord president said he had no desire to be in the king's counsels if certain things were not done.[16]

The king acted with much skill and caution, and it soon seemed that Shaftesbury's position was weaker than before the council was altered. Charles continued to seek better relations with Essex, while he tried to win over more moderate opponents like Halifax. The lord president finding himself thwarted and disappointed grew embittered, while the king was presently confronted with an opposition more and more divided by jealousy and difference of opinion. Early in May an observer predicted that those in control would fall apart in contending factions, and believed that Shaftesbury, gaining with neither court nor parliament, was surely losing his credit. "I pray God", he said, "in these changes the King may find his account."[17] Temple afterwards wrote that following the prorogation of parliament—in the latter part of May—Shaftesbury exhibited "perpetual appearance of ill humour at council, which broke into spiteful repartees often betwixt him and Lord Hallifax."[18] At the time of

[16] "My Lord Shaftesbury, otherwise my Lord President, in a debate this morning, whether or no Nonconformists should be obliged to take the oaths, said that, if some things were not done, for his part he desired not the honour of being in His Majesty's counsels, by which several guessed that he thought his being of them was upon necessity, and that he did grace in coming to them." The earl of Ossory to the duke of Ormonde, 22 April 1679: *Ormonde MSS.*, new series, v. 55.

[17] Ossory to Ormonde, 6 May 1679: *ibid.*, p. 87.

[18] Sir William Temple, *Memoirs, Works* (London, 1814), ii. 522.

the prorogation, indeed, the lord president wished to resign.[19]

The earl of Ailesbury at a later time wrote that some of the king's supporters were dejected at not being in the council, but that Charles said he had left out a certain one because he loved him: "God's fish! they have put a set of men about me, but they shall know nothing; and this keep to yourself." [20] Not only did Charles bide his time, withholding affairs or not admitting his council to confidence, but he was soon able to make divisions in the council itself. Temple declares that Sunderland, Essex, and Halifax presently found themselves in opposition to Shaftesbury and Monmouth. Accordingly, they agreed with Temple to propose to the king that he prorogue parliament, believing that this would be supported by the majority of the council. Shortly after Temple found Charles resolved to prorogue parliament at once, "and that it could not be allowed time or vent by a debate of council; which, for my part, I thought an ill omission, and that it ought to have the authority of the King with advice of his council, according to the usual forms." [21] This sudden proroguing of parliament, done against the violent opposition of Shaftesbury, and with the disapproval of some of the new councillors whom Charles had sought to placate, caused much uneasiness and murmur.[22] Some blamed the new councillors for not opposing more

[19] "Lord Shaftesbury told the King upon the prorogation that there was no need of holding a candle to the King's face, for his intent was visible by his actions. He would have been released of his nominal office and Privy Councillorship, but the King would not spare him." *Ormonde MSS.*, new series, v. 119.

[20] *Memoirs of Thomas, Earl of Ailesbury* (Roxburghe Club, 1895), i. 35.

[21] Temple, *Memoirs*, pp. 518, 519.

[22] "This morning was in parliam[t] where about two of the clock the King passed som bills & prorogued us unexpectedly till Aug. 14. God auert dangers by it." Diary of the earl of Anglesey, 27 May 1679: Add. MS. 18730.

strongly and with more success. Some laid the blame on Halifax, Lauderdale and others. To the duke of Monmouth's credit it was said that he had earnestly entreated his father to call the councillors before undertaking such a weighty affair, saying to him that he had promised in his public declaration to do nothing without them.[23] Others ascribed the thing to Lauderdale, the duchess of Portsmouth, and the French ambassador.[24] Algernon Sydney wrote that no one would avow having advised it. People wondered, however, "that his Majesty in constituting the Privy Council, having promised that he would have no cabinet Council, but that he would in all things follow their advices, next unto those of his great Council the Parliament; should so suddenly prorogue that great Council, without so much as asking the other." [25]

From his residence in Brussels the duke of York had written vehemently urging Charles to stand firm. To the earl of Dartmouth: "now or never is the Time to save the Monarchy, I think it yet in his Ma: Power, but if he parts with any Thing more, he is gone." He enclosed heads of a discourse for Dartmouth to deliver to his brother; the king was strong enough to deal with his foes, if he would be resolute: the fleet was his; except for Hull, so were the garrisons and guards; Scotland and Ireland were his; his enemies lacked a leader; but the king would be ruined beyond redemption, if he gave up anything more, letting his enemies put men into the fleet, the garrisons, Ireland or Scotland; if his opponents went so far they would never feel safe while the king was alive; let him remember Edward II, Richard II, his own father.[26]

[23] Sir Robert Southwell to the duke of Ormonde, 27 May 1679: *Ormonde MSS.*, new series iv. 519.

[24] *Ibid.*, v. 119.

[25] Algernon Sydney to Henry Savile, 2/12 June 1679: *Letters*, pp. 78, 79.

[26] The duke of York to Lord Dartmouth, 28 May 1679 (N. S.): Add. MS. 18447, fos. 8, 9.

When parliament was prorogued Temple and others despaired of a good understanding between the king and that parliament.[27] Temple says that after the prorogation Shaftesbury and Monmouth were greater than before.[28] The French ambassador reported that the council planned a new proclamation against Catholics, stronger than the one preceding, Shaftesbury and Halifax both urging it, to sustain their reputation with the people and to make it known that at court there was no relaxing.[29] According to a correspondent, during a debate in the council Shaftesbury tried to have the king promise to call the parliament of England and the parliament of Scotland within forty days, "that so they might approve of what the Council should direct in this interval, for he would (he said) never undertake to act as a representative of the people in that Council."[30] According to Barillon the councillors of state were trying hard to make the king issue an official declaration forbidding the duke of York to return to England except with the council's consent, but Charles would not yield.[31]

For the most part Sunderland, Essex, and Halifax had the king's confidence, so far as he gave it to any.[32] Temple

[27] "I can tell you nothing from this side to relieve the melancholy prospect of affairs you have on that: Besides you know how long I have been boding ill, and how littel good I expected of any side when wee parted last, and though some attempts have been made heere with hopes of restoring His Majtys credit and confidence with his parliament, yett you see by the prorogation in what it ended." Sir William Temple to Roger Meredith, 14 June 1679: State Papers, Foreign, Holland, ccxv.

[28] *Memoirs*, p. 524.

[29] Barillon to the king of France, 12 June 1679 (N. S.): Transcripts from Paris, cxliii. 260.

[30] *Ormonde MSS.*, new series, v. 136.

[31] Barillon to the king of France, 19 June 1679 (N. S.): Transcripts from Paris, cxliii. 262.

[32] "*Re* [Shaftesbury] sometimes rails, but more often derides it, and sometimes says 'twere much better one late *te* [Treasurer] than three, and between these two humours he breaks forth in all manner of companies, even ready to burst to think of their undertakings." Southwell to Ormonde, 5 July 1679: *Ormonde MSS.*, new series, iv. 530.

agreed with them that it were best for parliament to be dissolved. He says he felt sure that a majority of the council would support this plan. The design seems to have been kept secret, however, and when presently the king proposed it in a full council—the king and twenty-four at Hampton Court—there was general surprise. The lord chancellor, Shaftesbury, and several others spoke against it strongly, and none supported it but the four who had agreed to advise it.[33] Southwell says that after some lesser matters were dispatched, the king said that since the last council meeting he had fully considered the question of parliament, and decided to dissolve it at once, " and did declare his pleasure accordingly without further asking their opinions concerning it." Shaftesbury spoke first: his opinion had not been asked; he would always submit to his majesty's determinations; yet for conscience sake he must explain the evil effects of this decision; the world would very much notice the king's recent declaration, where he promised to do nothing without the advice of his council, notwithstanding which his majesty had not only prorogued the parliament without their advice, but had now proceeded to dissolve it. " To this the King replied that in matters of this nature, which were so plain, and wherein he was so fully convinced, as of the necessity of dissolving this Parliament, he could not divest himself of that power of resolving without the plurality of votes in the Council, and that he would in other things hearken as much as any other prince had done to his council." [34] Accordingly, the chancellor was ordered to draw up the proclamation.[35]

[33] Temple, *Memoirs,* pp. 524-7; Privy Council Register, lxviii, 10 July 1679.

[34] Southwell to Ormonde, 10 July 1679: *Ormonde MSS.,* new series, iv. 530, 531.

[35] Temple, *Memoirs,* p. 527. " His Ma^ty being resolved to meet his People, and to have their Advice by frequent Parliaments, Did this Day

During the summer small meetings of the privy council were held at Whitehall, and larger ones were held in the royal presence at Hampton Court.[36] In October the council was informed that the king had granted the wish of the duke of York to go to Scotland. Shaftesbury declared that his majesty had had no worse counsel than this. The lord chancellor answered that perhaps there was no counsel in it, but merely a request made and granted. To which the lord president replied: "he was sorry they were made so useless and to remember that it was otherwise promised in the late declaration touching the Council. But they presently rose, one of them saying it was much better so than if he had gone into Ireland." [37] A few days after Shaftesbury was removed from his place as lord president, and the king ordered the clerk of the privy council to strike the earl's name from the book.[38] The earl of Radnor was made lord president in his place.[39]

In September James had returned to London from Brussels, and Monmouth, deprived of his position as commander-in-chief, was sent away to Holland. James did, indeed, return to Brussels, but he soon came back to London, and was allowed to proceed to Scotland. Charles' third parliament had been summoned to meet 7 October. But the king now sought to get rid of the obnoxious ministers, and by repeated prorogations or dissolutions to be rid of parliament also. On the day when parliament was to meet it was prorogued until January 1680. James told Barillon that his brother was resolved to dispense with parliament, and that he was taking every possible

Declare in Councill his Royall Pleasure for the Dissolving this present Parliament": P. C. R., lxviii, 10 July 1679.

[36] P. C. R., lxviii.

[37] Southwell to Ormonde, 10 October 1679: *Ormonde MSS.*, new series, iv. 542.

[38] *The London Gazette*, 16 October 1679; Southwell to Ormonde, 18 October 1679, *Ormonde MSS.*, new series, iv. 545.

[39] *The London Gazette*, 27 October 1679.

measure to avoid having to assemble it.[40] About this time, at a meeting of the privy council, Essex proposed that parliament be called, but Charles declared that such business was not up for consideration, and refused to let it come to debate.[41] The more moderate ministers, who had been supporting the king against Shaftesbury and Monmouth, were now disgusted and discouraged. "Our scene is quite changed", Henry Sidney wrote to the prince of Orange, "since I went into England . . . My Lord of Essex hath thought of quitting . . . My Lord Halifax is . . . out of humour, and sometimes talks of retiring . . . Sir William Temple stays at Shene, and never comes to Councils . . . This is very different to what was four months ago. What will be the next change, God only knows!"[42] Essex now resigned as first commissioner of the treasury, and several members of the council considered retiring, since Charles no longer consulted them with respect to important things.[43] In December the king in council declared that he had determined to prorogue parliament again, until the following November.[44] "'Tis observed", wrote Southwell a few days later, "that the proclamation of proroguing has a new title, being said by His Majesty in Council, which happens because all that

[40] Barillon to the king of France, 2 November 1679 (N. S.): Transcripts from Paris, cxliii. 345.

[41] Henry Sidney to the prince of Orange, 10 November 1679: *Diary and Correspondence of the Times of Charles the Second* (London, 1843), i. 182, 183.

[42] Letter of 10 November 1679: *ibid.*, i. 183.

[43] "On dit que plusieurs autres du Conseill meditent leur retraite sur ce que le Roy d'Angleterre qui avoit promis au Parlement de suivre leurs advis ne les consulte sur aucune matière importante." Barillon to the king of France, 27 November 1679 (N. S.): Transcripts from Paris, cxliii. 351.

[44] "This morning spent at Councel and the afternoon also when the King agt the full aduice of his councel declared that fatall and dismall resolution of prorogueing this parliamt till nouember the 11th The Lord saue England." Diary of the Earl of Anglesey, 10 December 1679: Add. MS. 18730.

spoke differed they say from the thing; those that were silent are reputed to have consented; but there not being ground for putting that consent into the body of the proclamation is thought to be the reason of the title." [45] It is said that Sir William Temple spoke against the proclamation for proroguing, and that all the others present, save the new lord president, the duke of Lauderdale, the marquis of Worcester, and Sunderland—who were silent, spoke against it. Temple said that the subject was a weighty one, and that the king should hear it fully debated in council; that business of moment was not attempted by great princes but on mature deliberation with their councils; that Charles had declared he would act in nothing but by the advice of this council; let the king dismiss those whose advice he could no longer trust. Others spoke, but Charles stopped the debate: the proclamation was issued.[46] Temple says he gave the king some advice for the future: that his majesty would have a council with freedom of debate; let him make a new one, if he wished, of twenty members, of ten, or of five, and alter them as he chose; but let him not have counsellors who did not give counsel.[47]

The experiment with the privy council was near to its end. Barillon, always well informed, who had given such detailed account of it at first, ceased to mention it, probably because the change soon appeared to him as of little importance. Without attracting much attention the council was remodelled by altering its personnel. The name of Shaftesbury had already been struck from the list. In January 1680 Lord Russell, Lord Cavendish, Sir Henry Capel, and Mr. Powle—the members who had been intro-

[45] Southwell to Ormonde, 13 December 1679: *Ormonde MSS.*, new series, iv. 567.

[46] Charles Hatton to Viscount Hatton, 18 December 1679: *Hatton Correspondence* (Camden Society, new series, xxii), i. 211-213.

[47] Temple, *Memoirs*, pp. 536-8.

duced at the time of the change to represent the parliamentary opposition—determined to withdraw. They came together to the king and desired leave to quit the council; joyfully Charles gave his permission.[48] Barillon wrote that they resigned in order to preserve the people's good will and not lose their credit; that privately they said the king had not kept his promise to follow their advice in important matters; that they did not wish to authorize by their presence resolutions not good for the state.[49] The situation was well explained afterwards by the earl of Ailesbury. On the duke's return, he says, the king's supporters rejoiced. "The others were slighted every day more and more; they, as the king foresaw, desired leave to retire from Council, that is the Privy one, where no matters of any consequence were debated but as the king pleases."[50] Meanwhile several new members were sworn of the council: in November 1679, Laurence Hyde, first commissioner of the treasury; in February 1680, Daniel Finch, first commissioner of the admiralty; Sidney Godolphin and Sir Leoline Jenkins about the same time.[51]

[48] "You will by this time have received the news that four Privy Councillors, Lord Russell, Lord Cavendish, Sir Henry Capel and Mr. Powle, came in a body to the King to desire to be dismissed from that employment. Their entry and exit have been both very remarkable, and neither very well comprehended by men of my small talent." Henry Coventry to the duke of Ormonde, 3 February 1679-80: *Ormonde MSS.*, new series, v. 271.

[49] "Le motif ne peut estre que de se conserver la bienveillance du peuple et de ne pas perdre leur credit. Ils n'ont rien dit publiquement, mais ils disent a leurs amys que le Roy d'Angleterre avoit promis en establissant le present conseil de suivre leurs advis dans les affaires importantes, mais qu'ils n'ont veu aucune suite de cette promesse. Qu'ils ne veulent pas par leur presence authoriser des resolutions qui ne leur paroissent pas conformes au bien de l'Estat. Cela s'entend principalement du retour de M^r^ le Duc d'York, et de la prorogation du Parlement. Quelques autres suivront le mesme exemple, et se retireront." Barillon to the king of France, 12 February 1680 (N. S.): Transcripts from Paris, cxliv. 66.

[50] *Memoirs of Thomas, Earl of Ailesbury*, i. 41.

[51] P. C. R., lxviii.

In the autumn of 1680 Barillon thought that the king of England was again willing to yield to parliament, and he reported to his master a situation not unlike what he had written about in April the year before. The king wished peace; Sunderland and the duchess of Portsmouth had promised Monmouth, Shaftesbury, and Russell whatever parliament wanted, provided that money be granted for subsistence. Adherents of Monmouth were to be admitted to office, and supporters of the duke of York would be dismissed. Confidence had not yet been established, and Monmouth's "cabal" feared that the court would deceive them, as it had when the king made a new council and admitted his opponents.[52] 21 October 1680 Charles' third parliament was at last allowed to meet. In this parliament, as in the previous one, was introduced a bill to exclude his brother from succession to the throne. If Charles had decided on concession and compromise, he soon altered his policy and resolved on a bolder course. 10 January 1681 parliament was prorogued for ten days. Before the expiry of this time Charles declared in council that he had decided to dissolve parliament and summon another to meet at Oxford. The earl of Salisbury wished to speak against this, but the king told him that his resolution had been taken, nothing that Salisbury could say would change it. The earl then asked and received permission to resign.[53] Salisbury's name was struck from the council register, and a few days after the names of Sunderland, Essex, and Temple were also struck out.[54]

21 March 1681 the fourth parliament met at Oxford. A week later the king suddenly dissolved this, the last of his parliaments. Then he proceeded with swift and successful measures, until triumph over his enemies was

[52] Barillon to the king of France, 4 November 1680 (N. S.): Transcripts from Paris, cxlvii, 348-50.

[53] Barillon to the king of France, 30 January 1681 (N. S.): *ibid.*, cxlviii. 31.

[54] P. C. R., lxix, 16, 24 January 1680-1.

complete. He might have gone far in regaining the former position of the crown, but in 1685 death put an end to his progress. By that time he had restored much of the royal power obscured during earlier years of his reign, and he had even won back not a little of what Charles I had lost. By that time the reform of the privy council in 1679 had been all but forgotten, except when men recalled interesting things that had happened in the years preceding. There was no longer talk of making the council acceptable to parliament; there was no longer attempt to restrict important business to the council; and a great interior committee of the council—which men were again calling the foreign committee or "the committee"—was monopolizing the king's confidence and administration of important affairs, as had the committee of foreign affairs before the spring of 1679. And as men had called the old committee *cabinet* or *cabal*, so again they were calling "the committee" the *cabinet council*.

Only one part of the reform had remained, and that disappeared after Charles's death: during the last years of his reign the number of the council was held near to thirty. There was some increase but not much.[55] In June 1680 the membership was thirty-three.[56] In June 1683 the number was thirty-four. But by that time the membership was in many respects very different from what it had been after Charles announced his new council on Easter Sunday four years before. The members were:[57]

The archbishop of Canterbury

lord keeper	Sir Francis North
lord president	earl of Radnor

[55] "There have of late been severall alterations of the privy councill: many that were in at first, who inclined to the country interest, are since removed, and others better affected to the court putt inn; and their number at present is above 30 more then they should be by his majesties declaration that dissolved the last and called this privy councill." Narcissus Luttrell, *A Brief Historical Relation of State Affairs from September 1678 to April 1714* (Oxford, 1857), i. 35, 36: 11 February 1679-80.

[56] P. C. R., lxix, fo. i.

[57] *Ibid.*, lxx, June 1683.

lord privy seal	marquis of Halifax
lord steward	duke of Ormonde
duke of Albemarle	
duke of Newcastle	
duke of Beaufort	
marquis of Winchester	
lord great chamberlain	earl of Lindsey
lord chamberlain	earl of Arlington
earl of Oxford	
earl of Huntingdon	
earl of Bridgewater	
earl of Peterborough	
earl of Chesterfield	
earl of Sunderland	secretary of state
earl of Clarendon	
earl of Bath	groom of the stole
earl of Craven	
earl of Ailesbury	
earl of Conway	
earl of Nottingham	first commissioner of the admiralty
earl of Rochester	first commissioner of the treasury
Viscount Fauconberg	
bishop of London	
earl of Dartmouth	master general of the ordnance
Henry Coventry	
Sir Leoline Jenkins	secretary of state
Sir John Ernle	chancellor of the exchequer
Sir Thomas Chicheley	chancellor of the duchy
Sir Francis Pemberton	lord chief justice of the common pleas
Edward Seymour	
Sidney Godolphin	

CHAPTER XVIII

THE PRIVY COUNCIL AFTER 1679

In 1679 Charles II said that in future the council would contain thirty members, not counting princes of the blood, a lord president, and a secretary of state from Scotland. His new council had thirty-three. By the summer of 1683 the number had increased by one. Substantially, while Charles was alive the number remained what he had promised. Soon after his death the number of councillors was quickly enlarged. Considerable further increase took place in the earlier years of the eighteenth century, then some abatement for a time, but the general tendency towards increase was continued in the second half of the eighteenth century, and afterwards during the nineteenth, until the council became at last so unwieldy that there was generally no thought of having many of the councillors assemble. In 1922 some three hundred and twenty members had place in the privy council of Great Britain. By that time not as many as half of them ever came together, and they only once—at the beginning of a reign, while what were styled meetings of the council were merely gatherings of the clerk and two or three others in presence of the king.

James II, in the course of his reign, made the privy council about as large as it had been just before Charles II announced his reform. The increase thereafter may be seen in the table appended, the exact number of members often obtained with difficulty, some of the figures approximations, some of them changing in the course of the year:

1688	45 [1]

[1] P. C. R., lxxii. 697.

As a result of the Revolution of 1688 the council was reconstituted, and at the beginning of the reign of William and Mary it was smaller than before the flight of James. A few days after the accession of the new sovereigns, however, the council was again increased, and was shortly as large as before.

1689 (February)	36 [2]
1690	45 [3]
1692	44 [4]
1694	47 [5]
1697	48 [6]
1700	51 [7]
1704	55 [8]
1705	61 [9]

Legally the Act of Union with Scotland involved a break in the continuity of the privy council much as the accession of a new sovereign would have made. 10 May 1708, in a council held at Kensington, Anne declared the names of the members of the privy council of Great Britain.[10]

1708	55 [11]
1710	62 [12]
1711	71 [13]
1712	82 [14]

With the change of dynasty in 1714 there was another diminution for the moment. Increase quickly followed again, though, generally speaking, throughout the early

[2] P. C. R., lxxiii, fo. i.
[3] *Ibid.*, lxxiv, fo. i.
[4] *Ibid.*, lxxv, fos. i, ii.
[5] *Ibid.*, lxxvi, fos. i, ii.
[6] *Ibid.*, lxxvii, fos. i, ii.
[7] *Ibid.*, lxxviii, fos. i, ii. About 1700 "A Lyst of the Names of the Lords of His Majestys most honoble Privy Councill" gives the number as 47. Privy Council Memoranda, 1660-1708: Add. MS. 35107, fo. 54.
[8] P. C. R., lxxx, fos. i, ii.
[9] *Ibid.*, lxxxi, fos. i, ii.
[10] Add. MS. 35107, fo. 61.
[11] P. C. R., lxxxii, fos. i, ii.
[12] *Ibid.*, lxxxiii, 2 June 1710.
[13] State Papers, Domestic, Anne, xiv, 26 February 1710-11.
[14] P. C. R., lxxxiv, fos. i, ii, iii.

Hanoverian period the privy council was smaller than it had been in the later years of Anne.

1714 (September)	52 [15]
1717	68 [16]
1720	70 [17]
1722	64 [18]
1724	62 [19]
1725	64 [20]
1727	65 [21]
1729	66 [22]
1732	65 [23]
1733	61 [24]
1734	69 [25]
1736	69 [26]
1738	66 [27]
1740	67 [28]
1741	62 [29]
1743	67 [30]
1745	63 [31]
1746	65 [32]
1748	60 [33]
1750	64 [34]
1752	63 [35]

[15] *Ibid.*, lxxxv, fos. i, ii.

[16] *Ibid.*, lxxxvi, 2 March 1716-17.

[17] *Ibid.*, lxxxvii, fos. i, ii.

[18] *Ibid.*, lxxxviii, 1 June 1722.

[19] *Ibid.*, lxxxix, fos. i, ii; corroborated by "List of the Privy Councill": State Papers, Domestic, Various, i, 1724-5.

[20] S. P. D., Various, i, 1724-5.

[21] P. C. R., xc, 20 September 1727.

[22] *Ibid.*, xci, 1 June 1729.

[23] *Ibid.*, xcii, fos. i, ii.

[24] S. P. D., Various, August 1733.

[25] P. C. R., xciii, fos. i, ii.

[26] *Ibid.*, xciv, fos. i, ii.

[27] *Ibid.*, xcv, fos. i, ii.

[28] *Ibid.*, xcvi, fos. i, ii.

[29] *Ibid.*, xcvii, fos. i, ii.

[30] *Ibid.*, xcviii, fos. i, ii.

[31] *Ibid.*, xcix, 1 March 1744-5.

[32] *Ibid.*, c, 1 August 1746.

[33] *Ibid.*, ci, 1 May 1748.

[34] *Ibid.*, cii, 1 May 1750.

[35] *Ibid.*, ciii, 1 April 1752.

1754	65 [36]
1760	75 [37]
1782	106 [38]
1801	131 [39]

It may be said that at the beginning of 1685 the privy council of Ireland contained sixty-one members.[40] Just before the establishment of the Irish Free State this number had risen to seventy-eight.

During the latter part of the seventeenth century and afterward the number of the council tended to enlarge with the multiplication of business and with the increasing complexity and efficiency of the central government. It increased during this time also, as before, through the constant necessity of rewarding political supporters and gratifying those who desired the honor. In the autumn of 1710, the earl of Orrery writing to Robert Harley concerning what he would like, observed: "I should be glad to be of the Privy Council if it could be done without difficulty." [41] And another about the same time said: "If my little services in this part of the world have been acceptable to her Majesty, methinks it might not be difficult for you to obtain a mark of distinction for me which I know you would have readily yielded to my friend Mr. St. John if he would have again accepted his old post, that is to be added to the Privy Council. 'Tis a favour that will cost the Queen nothing, and 'twill give me a great deal of ease in my correspondence with the General when he comes home, by putting me above the servile attendance which he may expect by having been used to it by

[36] P. C. R., civ, 1 January 1754.
[37] *Ibid.*, cviii, fos. i, ii, iii.
[38] *Ibid.*, cxxviii, 1 October 1782.
[39] *Ibid.*, clvii, 1 January 1801.
[40] Hyde Papers: Add. MS. 15892, fo. 182.
[41] Letter of 10 November 1710: *Portland MSS., H. M. C.*, 15th report, appendix, iv. 626.

my predecessors in the same post." [42] In 1780 George III, writing to Lord North said that no consideration would induce him to call Lord Carlisle to the council until that nobleman had claim to an office to which membership in the council was always attached: "the Privy Council is too numerous, and will lose its dignity if prostituted on every occasion." [43]

Early in 1711 the seventy-one members of the council were: [44]

The archbishop of Canterbury
lord keeper
archbishop of York
lord president
lord privy seal
lord steward
lord chamberlain
duke of Somerset
duke of Ormonde
duke of Beaufort
duke of Bolton
duke of Schomberg
duke of Leeds
duke of Devonshire
duke of Marlborough
duke of Hamilton
duke of Queensberry
duke of Montrose
duke of Argyle
duke of Roxburghe
duke of Kent

[42] George Granville [secretary of war] to Harley, 10 November 1710: *ibid.*, p. 627.

[43] Letter of 18 September 1780: W. B. Donne, *The Correspondence of George III with Lord North* (London, 1867), ii. 332, 333.

[44] "Lyst of Her Maȳ most Honoᵇˡᵉ Privy Council": S. P. D., Anne, xiv, 26 February 1710-11.

lord great chamberlain
marquis of Dorchester
earl of Derby
earl of Pembroke
earl of Suffolk
earl of Manchester
earl of Rivers
earl of Stamford
earl of Sunderland
earl of Anglesea
earl of Carlisle
earl of Radnor
earl of Abingdon
earl of Scarborough
earl of Bradford
earl of Oxford
earl of Wharton
earl of Godolphin
earl Poulett
earl of Cholmondeley
earl of Mar
earl of Loudon
earl of Seafield
earl of Orrery
earl of Ranelagh
Viscount Townshend
bishop of London
Lord Dartmouth
Lord Hyde
Lord Ferrers
Lord Lexington
Lord Berkeley of Stratton
Lord Somers
Lord Cowper
Lord Coningsby

Peregrine Bertie, Esquire
Mr. Boyle
Mr. Comptroller
Mr. Vice-Chamberlain
Mr. Secretary St. John
Mr. Chancellor of the exchequer
Lord Chief Justice Parker
master of the rolls
Lord Chief Justice Trevor
Sir Richard Onslow
Sir Charles Hedges
James Vernon, Esquire
John Smith, Esquire
John How, Esquire
Thomas Erle, Esquire

That is to say, all the principal officers of the household, the foremost ecclesiastics and officials, and the principal politicians and important nobles.

In June 1727 the privy council contained sixty-three members, including besides many noblemen and politicians: [45]

The prince of Wales
archbishop of Canterbury
lord chancellor
archbishop of York
lord president
lord privy seal
lord steward
lord chamberlain
lord great chamberlain
lord lieutenant of Ireland
chancellor of the duchy of Lancaster

[45] "List of his Majesty's most Hono[b]le Privy Council": State Papers, Domestic, George II, i, 12 June 1727. Three months later the membership had been increased by two: P. C. R., xc, 20 September 1727.

speaker of the house of commons
treasurer of the household
chancellor of the exchequer
lord chief justice of the king's bench
master of the rolls
lord chief justice of the common pleas
lieutenant general of the ordnance
secretary at war
secretaries of state

Partly, no doubt, because of this increase in size as compared with what had once been, and chiefly, it would seem, to distinguish the privy council from the smaller but more important cabinet council that was constantly becoming better known and more important, the privy council was during this period often designated as the *great* or the *general* council, terms formerly used to denominate parliament. They had, indeed, occasionally been used in respect of the privy council in the early part of the seventeenth century. In 1614 the Spanish ambassador wrote that James I had gone to Hampton Court where he held the "general council".[46] In 1630 it was noted in the register of the council, that two members "By vertue of a Reference from the Boarde . . . after the generall Counsell did heare the difference" between a man and his wife.[47] In 1639 one of the secretaries of state wrote that when the Scottish committee of the council—the cabinet of that time—advised the king to call parliament, "it was thought fit to bring it to the General Council, and to give the board account of what had passed in the Committee."[48] Some time during the interregnum, Sir

[46] "De alli se partio para Antoncurt, a donde tuuo el consejo general." Gondomar to the king of Spain, 7 October 1614: Spanish Transcripts, series ii, vol. viii.

[47] P. C. R., xl, 17 November 1630.

[48] Secretary Windebank to Sir Arthur Hopton, 13 December 1639: *Clarendon State Papers* (Oxford, 1767-86), ii. 81.

Roger Twysden, alluding to the record of Henry IV cited by Coke, "per advice de son graund councel", wrote: "I confesse I doe not take this graund councell heere, or the 37 Ed. 3. cap. 18, to be other then his privy councell, for the great trust reposed in them by the king and kingdome, styled not unfitly his graund councell, as those who had the greatest matters of weight committed to their cognizance." [49] But in the latter part of the seventeenth century the terms came into common use, and were often employed thereafter.

"The 10th, was a great councill at Windsor", Luttrell wrote in his diary for 1682, and next year he referred to a "great councill" at Hampton Court.[50] "The Duke of York", wrote Reresby in 1684, "is declared of the great council, commonly called the privy council." [51] In 1688 a certain one said: "On Friday, that is to-morrow, is summoned a general Council to be held at Windsor, where it is believed his Majesty will be pleased to declare himself as to the day that the Parliament is to meet at Westminister." [52] Two days later he added: "Yesterday a Council was held at Windsor about the calling a Parliament." [53] "The day th^t^ I received yours . . . the great concell was caled extraordinaryly", Mary wrote to William in 1690.[54] "This day a great councill at Whitehall", Luttrell noted in 1692, from which the prince of Denmark took the queen back to her apartment and dined with her.[55] Next year: "A great councill at Whitehall relating to the fleet; and in the evening was a cabinet councill." [56]

[49] Sir Roger Twysden, *Certaine Considerations upon the Government of England* (Camden Society, xlv), p. 115.

[50] Luttrell, i. 193, 261.

[51] Sir John Reresby, *Memoirs* (London, 1821), p. 290.

[52] Letter to John Ellis, 23 August 1688: *Ellis Correspondence* (London, 1829), ii. 138.

[53] *Ibid.*, p. 144.

[54] Letter of 10/20 July 1690: State Papers, Domestic, King William's Chest, vii. 91.

[55] Luttrell, ii. 391.

[56] *Ibid.*, iii. 183.

In 1699 he recorded that "a great council" had been held the night before at Kensington; next day "a cabinet"; "a grand council" the following Monday.[57] In 1705 Sir Charles Hedges, secretary of state, informed the lord president that the queen having appointed a committee of the lords to meet her "would have your Lordsp put off the Genll Council to some other day."[58] A little later Lord Cowper in his diary: "A General Counc: Letters order'd to the Cust. Rot., to exhort the Justices to raise Recruits against next Year."[59] In 1711 St. John, secretary of state, wrote: "I am to acquaint Your Lop that there will be a General Councill at St James's at six of the Clock this Evening, And it is Her Maty's Pleasure that Your Lop do attend there at that time in Order to be sworn one of the Privy Councill."[60] In 1713 Bolingbroke says: "The treaties of peace and commerce were read last night in the Great Council, and ordered to be ratified."[61] Somewhat later he wrote to another: "A great Councill will I beleive set on Monday Morning at Windsor."[62] About the same time he wrote to the queen: "It is now almost four, and the Lords of the Council are but just risen; they have gone through half the Spanish treaty of commerce, and have heard the Commissioners of trade to several points. To-morrow, at eleven, we shall meet again . . . My Lord President will take care to summon the Great Council, pursuant to your Majesty's commands, for Thurs-

[57] Luttrell, iv. 574.

[58] State Papers, Domestic, Entry Books, cv, 7 February 1704-5.

[59] *Diary of Earl Cowper* (Roxburghe Club, 1833), p. 22.

[60] St. John to the earl of Abingdon, 9 February 1710-11: S. P. D., Entry Books, cix.

[61] Bolingbroke to the duke of Shrewsbury, 8 April 1713: *Letters and Correspondence* (London, 1798), iv. 29.

[62] Bolingbroke to the lord chancellor, 11 September 1713: S. P. D., Entry Books, cxiv.

day morning." [63] In 1718 a "General Council" was summoned to meet the next day at St. James's.[64]

During the Hanoverian period the terms came to be in general and popular use, appearing in newspapers of the time as well as in the writings of officers and statesmen. "This Day in a General Council, the King nam'd Nine great Officers of State to be Lords Regents." [65] "A Messenger having arrived this Week from the Baltick, a Cabinet Council and a General Council also have been held." [66] Some years later: "This day there will be a General and Cabinet Council at St. James's; when the Sheriffs for the several Counties that were postponed . . . will be pricked down." "Yesterday there was a Grand Council held at St. James's, upon Affairs of great Importance." [67] "Thursday" says a newsletter of 1733, "a General Council at St. James's." [68] In 1754 "a Genl Council at St James's" at which the king was present.[69] 1 December 1788 was held a cabinet meeting at which was discussed what should be done with respect to the king, whose mental state was then causing concern. The earl of Carmarthen urged that the privy council be convened. "I thought the case of the King must be considered as a public concern, & again recurred to the necessity if not in substance at least in appearance of assembling the Privy Council." Lord Chatham thought the affair should be conducted as privately as possible. Others urged the council. "We afterwards agreed that the Privy Council *Generally* should be summoned on Wednesday, & the K's

[63] Bolingbroke, *Letters*, iv. 308.

[64] S. P. D., Entry Books, cxlvii, 20 December 1718; P. C. R., lxxxvi, 21 December 1718.

[65] *The Dublin Journal*, 8 June 1725.

[66] *Mist's Weekly Journal*, 10 September 1726.

[67] *The Daily Courant*, 4 January 1732-3; *The Daily Journal*, 5 January 1733-4.

[68] *Pole-Gell MSS., H. M. C.*, 9th report, appendix, ii. 402.

[69] Add. MS., 35870, fo. 241.

Physicians ordered to attend." [70] Two days later there was a meeting of the privy council at which fifty-four members were present and at which the physicians attended.[71]

As in the past, members were appointed to the council by the king, admitted solely at his will or desire. 21 April 1679 Charles II had dissolved his privy council and constituted a new one. 6 February 1684-5 James II bade the members of the council at the death of his brother remain as his own council. 14 February 1688-9 William appointed a new privy council from which most of James II's councillors were left out. 8 March 1701-2 Anne continued as her council that which William had had. On his accession in 1714 George I, the old council being dissolved, appointed a new council that omitted fifty-three members of the earlier one. In 1727 George II dissolving the old council appointed all the preceding members save the earl of Orrery to be members of his own council. In 1760 George III appointing his privy council named all of the councillors at the end of the previous reign.[72]

Meanwhile members died, new ones were appointed and some were dropped by the king. In 1717 the earl of Sunderland, secretary of state, wrote to the earl of Halifax: "I am commanded by the King to signify to your Lord^{p} his Majesty's Pleasure that you should attend him at St James's to Morrow at Six in the Evening in Order to be sworn of his Maj$^{ty's}$ Privy Council, which is summoned to meet there at that Time." [73] Some limitation of the royal prerogative was made by the Act of Settlement (1701), which provided that in the future no person born outside of England, Scotland, Ireland, or the dominions

[70] Political Memoranda of the duke of Leeds, 1 December 1788: Add. MS. 27918, fo. 161.

[71] P. C. R., cxxxiii, 3 December 1788.

[72] "Precedents of dissolving the Privy Council, & appointing New Ones" [3 November 1762]: Add. MS. 38334, fo. 191.

[73] S. P. D., Entry Books, cxx, 26 November 1717.

thereto appertaining, though naturalized, except he were the son of English parents, might be a member of the privy council.[74] The prerogative of choosing as the king willed had, perhaps, at no time been further stretched than when James II named Father Petre of his council in 1687.[75] A year later, when discontent was coming to a head there was such strong opposition by members of the council that the king bade Petre come no more. "I told him", wrote the earl of Clarendon in his diary, "I should be always ready to serve him; but I humbly begged his pardon in saying, that I could not sit at council with Father Peters. Lord Nottingham spoke more largely to the same effect."[76] After the flight of the king, when Petre was taken, a contemporary wrathfully described him as "father Peters, that incendiary, that scandal to the privy-council".[77]

He who was about to be admitted as a member took the oath of a privy councillor, which was much as it had been in the past. In 1663, in a council of the king and eighteen at Whitehall, "the Right Reverend Father in God Humphrey Lord B^{p} of London being sworne one of his Maties most hono^{ble} Privy Councill tooke his place at the Boord & Signed accordingly."[78] In 1775 George III wrote to Lord North: "Lord Gower must be desired by

[74] 12 & 13 William III. c. 2: *Statutes of the Realm*, vii. 637.

[75] In July 1686 James told the papal nuncio as a great secret: "che pensava ben presto d'introdurre nel Suo Consiglio alcuni Sig^{ri} Cattolici." Ferdinando Adda to the papal secretary of state, Windsor, 19 July 1686 (N. S.): Add. MS. 15396, fo. 16. "The 11th of November, the Gazet giues the world notice that the same day the honorable and reuerend father Edward Petre, clarke of the closet to his Majesty, was sworne of his Majesties Priue Council, and tooke his place at the Board. This man is by order a Jesuite, and the only man of that order of the Publick Councill to any prince in Christendome." *Autobiography of Sir John Bramston* (Camden Society, xxxii), pp. 300, 301.

[76] *The Correspondence of Henry Hyde*, etc. (London, 1821), ii. 196.

[77] Reresby, *Memoirs*, p. 373.

[78] P. C. R., lvi, 9 December 1663.

you to summon a Privy Council for to-morrow to administer the oaths of office to Lord Dartmouth and Lord Weymouth." [79]

In November 1733, in a privy council held "at the Court of St James", in the presence of the king and twenty others, "This day the Right Honourable Sir Philip Yorke Knight Lord Chief Justice of His Majestys Court of Kings Bench was by His Majestys Command Sworn of His Majestys most Honourable Privy Council and took his Place at the Board accordingly." [80] This was the oath that he took: [81]

> You shall swear to be a true and faithfull Servant unto the Kings Majesty as one of his Majestys Privy Council, you shall not know or understand of any manner of thing to be attempted done or spoken against His Majestys Person Honour Crown or Dignity Royal but you shall lett and withstand the same to the uttermost of Your Power and either cause it to be revealed to His Majesty himself or to such of His Privy Council as shall advertise His Majesty of the same. You shall in all things to be moved treated and debated in Council faithfully and truly declare your mind and Opinion according to your Heart and Conscience, and shall keep secret all matters committed and revealed unto you or that shall be treated of secretly in Council. And if any of the said Treatys or Councils shall touch any of the Councillors you shall not reveal it unto him but shall keep the same until such time as by the Consent of His Majesty or of the Council Publication shall be made thereof. You shall to Your uttermost bear faith and Allegiance unto the Kings Majesty and shall assist and Defend all Jurisdictions Preheminences and Authori-

[79] Letter of 9 November 1775: Donne, *Correspondence of George III with Lord North*, i. 291.

[80] Hardwicke Papers: Add. MS. 35870, fo. 15.

[81] *Ibid.*, fo. 17.

ties granted to his Majesty and Annexed to the Crown by Act of Parliament or otherwise against all Foreign Princes Persons Prelates States or Potentates. And generally in all things you shall do as a faithfull and true Servant ought to do to His Majesty.—So help you God and the Holy Contents of this Book.

The total of the fees and costs on such occasion was considerable. When Sir Spencer Compton was sworn of the council in 1716 the expenses were £ 27. 1s. 6d.[82]

As formerly, the sovereign dismissed members of the council at pleasure, summarily if he desired. In 1685, in a council of twenty, the king, without any explanation, "acquaints the Lords that for Reasons best known to himself, Hee hath thought fit to leave the Bishop of London out of the Councill, And ordered his name to be struck out of the Council Booke." [83] In 1692 a correspondent noted that the queen had just dropped from the council Halifax, Shrewsbury, Marlborough, and Torrington, the first for not coming to the council, the others for having displeased her.[84]

As before, the great officials were necessarily members of the privy council, though the functions of the council had in such large measure been taken over by the cabinet. In 1683 the earl of Sunderland was sworn a privy councillor and secretary of state.[85] In 1713, when the bishop of Bristol was made bishop of London, and was given charge of correspondence with Protestants abroad, it was arranged that he was to retain his seat in the cabinet council. Bolingbroke wrote to him: "We imagine here,

[82] "Note of fees for swearing the R^t Honble Spencer Compton Esqr, Speaker of the House of Commons, of the Privy Council": *Townshend MSS., H. M. C.*, 11th report, appendix, iv. 133.

[83] P. C. R., lxxi, 23 December 1685.

[84] Peregrine Bertie to the earl of Lindsey, 25 June 1692: *Ancaster MSS., H. M. C.*, 13th report, appendix, vi. 248.

[85] P. C. R., lxix, 31 January 1682-3.

that there can be no difficulty, as to your rank; your Excellency was sworn a Privy Counsellor, as Lord Privy Seal; your ceasing to be the latter, makes no alteration as to the former; and this rule seems equally applicable to the rank of Plenipotentiary." [86] In 1751 "At council at Kensington. Earl of Holderness sworn first, as a counsellor, and then as Secretary of State." [87]

The position of privy councillor continued to entail a great deal of dignity and honor, and around him was thrown the particular protection of the law. In 1686 the earl of Clarendon wrote to the earl of Sunderland that it looked ill for anyone honored with a place in the king's privy council to be a practicing lawyer. "I have not heard it was ever yet done but to Sir Francis Bacon, when he was Attorney General; and to satisfy his ambition, by the credit he had with the Duke of Buckingham, or rather by importunity, he was made a Privy Counsellor; but never appeared afterwards in Westminster-hall, unless the King's business required him." [88] The attorney general and the solicitor general were not seldom required to be present at meetings of the council to give their assistance and advice, but they appeared as assistants, not members, at the board.

It was a grave matter to threaten or to harm a member of the council. In 1669, when Sir William Coventry had challenged another member of the council, his name was ordered to be struck from the list of the council.[89] In 1682 the duke of Monmouth asked the earl of Halifax whether it was true that his lordship, as was reported, had advised the king in council to issue a proclamation

[86] Bolingbroke, *Letters*, iv. 260.

[87] 21 June 1751: *The Diary of the Late George Bubb Dodington, Baron of Melcombe Regis*, etc. (ed. H. P. Wyndham, Salisbury, 1784), p. 123.

[88] *Correspondence of Henry Hyde*, i. 418.

[89] P. C. R., lxi, 5 March 1668-9.

forbidding everybody to consort with Monmouth. Halifax replied that he did not have to satisfy him, whether he had so advised his majesty or not. "It must be by all confessed", says Reresby, who tells the story, "that his grace in this acted a very imprudent part, for he must needs have known that his thus questioning a privy councillor concerning advice given by him at the board, would sound very harsh to the king." [90] In 1700 a certain Captain Soranza was ordered taken into custody for drawing his sword in the court of requests upon Lord Coningsby. The captain surrendered himself and offered to ask pardon, but Lord Coningsby "being a privy counsellour, would not hearken theretoo, but left him to the law." [91] Once one formerly a collector of the customs at Newcastle, dropped from employment, came to Sir John Lowther, a member of the council, threatening to kill him if he received not satisfaction. They fought a duel and Lowther was dangerously wounded. Robert Harley observed at the time that it was "a great misdemeanour to challenge a privy councillor." [92] In 1711 Harley himself, then chancellor of the exchequer, was stabbed in the very office of the secretary of state in Whitehall, by the Marquis de Guiscard, a French adventurer and refugee, who had been detected in treasonable correspondence. The wound, though painful, was inflicted with a small knife, and Harley quickly recovered. The offence attracted much attention, however, and resulted immediately in a statute: "An Act to make an Attempt on the Life of a Privy Councellor in the Execution of His Office to be Felony without Benefit of Clergy." [93]

Attendance at the privy council, as always before, varied much. There were large meetings and there were

[90] Reresby, *Memoirs*, pp. 263, 264. [91] Luttrell, iv. 632, 634.

[92] Robert Harley to Sir Edward Harley, 18 April 1691: *Portland MSS., H. M. C.*, 14th report, appendix, ii. 463. Also Luttrell, ii. 210.

[93] 9 Anne c. 21: *Statutes of the Realm*, ix. 479.

small ones, but generally as time went on the proportion of members attending in relation to the total membership came to be less. In 1679, when the number of the council was thirty-three, there were meetings of twenty-six, twenty-seven, and twenty-eight. In 1681, with thirty-four there were meetings as small as seven, eight or nine.[94] In 1686 there were meetings of the king with seven or eight interspersed between larger meetings. Two years later, when the council contained about forty-five members, there were meetings of nineteen, twenty, twenty-three, and others of six, seven and eight.[95] In 1693, when the privy council contained about forty-five members, there were meetings with twenty-three, twenty-five, thirty, thirty-four, thirty-six members present; others of nine, ten, eleven; and many others with varying intermediate numbers. Next year, when the membership was forty-seven attendance varied from five, six, seven, nine, or ten, to twenty, twenty-four, twenty-six, twenty-seven.[96] In 1700, when the council was composed of fifty-one members, attendance varied from seven, nine, ten, eleven, twelve up to eighteen, nineteen, twenty, twenty-one, twenty-five.[97] In 1711, when there were seventy-one members, there was a council at which were present the queen and forty-one.[98] Two years later when the membership of the council was about eighty-two, there were meetings of six, seven, eight, ten, eleven, twelve, thirteen, fourteen, fifteen, eighteen, twenty, twenty-two, twenty-eight, twenty-nine.[99] In 1728, with a membership of sixty-five, there were meetings of six, seven, eight, ten, eleven, twelve, thirteen, fourteen, fifteen, eighteen, twenty, twenty-two, twenty-eight, twenty-nine.[100] In 1753, of a council that was composed of some sixty-three

[94] P. C. R., lxvii, lxviii, lxix.
[95] *Ibid.*, lxxi, lxxii.
[96] *Ibid.*, lxxv, lxxvi.
[97] *Ibid.*, lxxvii, lxxviii.
[98] *Ibid.*, lxxxiii, 13 December 1711.
[99] *Ibid.*, lxxxiv.
[100] *Ibid.*, xcii.

members, there were more meetings of four, six, seven, or eight, than of twenty or twenty-four.[101] At the first meeting of George I's privy council fifty-nine persons were present, the attendance being swelled by the coming of a large part of the council of the late queen.[102] In 1752 there was a meeting of the council at which only four members were present.[103] In 1755, in a council of forty-eight at St. James's, George II declared the lords justices who were to rule during his absence abroad.[104] In January and in February 1768 there were meetings of six, ten, twelve, fourteen, sixteen, twenty-one, twenty-five, twenty-six.[105] At various times during 1785 there were meetings of six—the usual attendance, eight, eleven, nineteen.[106]

It would seem that as time went on it was more and more difficult to secure attendance at council meetings. This was remarked in 1681.[107] "Twice", said one of the under-secretaries in 1719, "has the Council been summond and could not sit for want of the Attendance of six of the Privy Council to make a Quorum. This retards our Irish Bills which should have all possible Dispatch given them."[108] Some years later he wrote to one of the members: "By the want of the Attendance of Privy Councillors their Excellencys desire that during your Residence in or near Town your Lordship will please to attend at those meetings, and that when you intend to go into the Country you will take the trouble to give them notice of it by a line to me."[109]

[101] *Ibid.*, ciii.
[102] *Ibid.*, lxxxv, 22 September 1714.
[103] S. P. D., Various, v, 19 October 1752.
[104] P. C. R., civ, 26 April 1755.
[105] *Ibid.*, cxiii.
[106] *Ibid.*, cxxx, January, February, July 1785.
[107] S. P. D., Entry Books, lxii, 5 October 1681.
[108] Letter of Delafaye to Stanhope: State Papers, Domestic, Regencies, lxiii, 1 September 1719.
[109] Delafaye to the earl of Marchmont: S. P. D., George II, i, 12 June 1727.

Absence from the privy council resulted from various causes. As before there were members aged or inactive, who cherished merely the distinction of being councillors, who were seldom at court. It came increasingly also because a few members tended to monopolize all important council business, and especially from tendency to withdraw from the council effective management of important things. As time went on the privy council was left with little more than old routine or formal approval of what some of the councillors had determined on elsewhere. Finally, it was a consequence of the development of the system of political parties, though this was more evident at a later time.

The great councillors often attended regularly enough at privy council, though they dealt with important matters in other places. In 1668 the secretaries of state were almost always present at meetings of the council; Ashley, Lauderdale, Ormonde, came very frequently, as did the household officials.[110] Father Petre, after his entry into the council, 11 November 1687, was regularly at the larger meetings.[111] During the period from May 1706 to May 1707 inclusive, at a time when the council contained sixty-three members, twenty of them came to none of the council meetings; thirty-three attended five times or less; the great officials and officers of the household generally made up the principal part of any meeting. The lord chancellor and also the lord treasurer came twenty-four times; Harley, secretary of state, twenty times; Sir Charles Hedges, the other secretary, nineteen times; "His Royal Highness"—the lord admiral, and also the lord president, nineteen times each; the duke of Somerset, seventeen times; the lord chamberlain sixteen times; the earl of Sunderland and Lord Chief Justice Holt each fourteen times.[112]

[110] P. C. R., lx, lxi.
[111] *Ibid.*, lxxii.
[112] Privy Council Memoranda, 1660-1708: Add. MS. 35107, fo. 59.

For the most part less important councillors stayed away, and at times other ones for various reasons. Some of the lords came seldom or never, and sometimes the great ones came rarely. In 1691, at a time when Godolphin was managing the finances and constantly communicating with the king, Viscount Sydney wrote: "what my Lord Godolphin does in the Treasury I cannot tell, but I see his proceedings in other places are not with that zeale for your service as might be expected from him; he scarce ever comes to Councell and never to the Committees".[113] Shortly after Mary said: "As for lord Pem. I never see him there: lord Cham. comes as little as he can with decency, and seldom speaks: but he never visits the cabinet councill".[114]

The quorum of the council was six.[115] When attendance was large the meeting was sometimes, as before, referred to as a "full Councill".[116] At times certain councillors were particularly requested to attend. In 1681 the king in council at Hampton Court bade one of the secretaries of state write to the earl of Halifax by that night's post, "to let you Know, That his Ma^ty^ not only desires but expects your attendance upon him with all the speed you can in his Councils. His Ma^ty^ was pleas'd to be very precise in his Command to me."[117]

[113] Letter to William, 6 March 1690-1: S. P. D., King William's Chest, viii. 210.

[114] Letter of Mary to William, Whitehall, 7/17 July 1690: Dalrymple, *Memoirs of Great Britain and Ireland*, ii, part iii, p. 134.

[115] "After King James was gone off, the Bp going to the Privy Council, there were but Six Present, & fewer cannot make or Sign any order. The Bp joined wth th^m^ in an order for apprehending Father Peters, the Warrant was accordingly issued out, but the F. Slip'd away beyond Sea, before it could take effect." *Camden Miscellany* (ix): *Memoirs of Nathaniel, Lord Crewe* (Camden Society, new series, liii), p. 25: see also S. P. D., Regencies, lxiii, 1 September 1719.

[116] Add. MS. 35107, fo. 20.

[117] S. P. D., Entry Books, lxii, 19 May 1681.

The monarch frequently attended meetings of the privy council, more often than had usually been the case in the early Stuart period. In 1679 Charles II was very regularly present, both before and after the reform of the council.[118] He was present at nearly all the meetings held during 1681.[119] James II was at nearly every meeting held during 1685 after his accession early in February.[120] In 1688 he came to every one of the council meetings.[121] In 1693 William—or during his absence abroad, Mary—was present at most of the council meetings.[122] In the year following the sovereign came nearly as often.[123] During 1700 William was constantly present when in England, and while he was away the lords justices, who were agents collectively for him, presided over the privy council.[124] In 1713 Anne was present, apparently, at every meeting held during the year.[125] In 1728 George II attended every one of the meetings. In 1733 he came to every meeting but one.[126] In 1753 he was present fourteen out of the thirty-three times that the councillors assembled, though some of the meetings were of committees of the whole council at Whitehall that sat also as councils.[127] During 1782 and 1783 George III was often present at meetings of the privy council though from numerous other meetings he was absent.[128] Probably the attendance lists in the register do not always show the presence of the king in council, or else he came to meetings after attendance had been noted and business begun. At a meeting in 1679 Charles II's name is not given in the list prefixed to the minutes, but according to the first entry in the minutes: "It was this day Ordered by his

[118] P. C. R., lxvii.
[119] *Ibid.*, lxix.
[120] *Ibid.*, lxxi.
[121] *Ibid.*, lxxii.
[122] *Ibid.*, lxxv.
[123] *Ibid.*, lxxv, lxxvi.
[124] *Ibid.*, lxxviii.
[125] *Ibid.*, lxxxiv.
[126] *Ibid.*, xc, xcii.
[127] *Ibid.*, ciii.
[128] *Ibid.*, cxxviii.

Matie in Councell" that two prisoners should be discharged upon bail.[129]

During this period it would seem that the monarch was generally expected at council meetings, much more than in the earlier time. In June 1669 a privy council was held to perfect terms of a treaty of commerce, so that a conference could be held with the ambassador from France: but "His Ma^ty upon the great affliction befallen us in the Queens miscarriage was not this day present at Councell soe as noe busnes was done in it."[130] In 1680 the earl of Ossory wrote to the duke of Ormonde: "His Majesty on Monday next come sennight intends for Windsor, but will once a week come to Council at Whitehall. I do imagine committees will sit about most affairs in his absence, which I believe will continue until the middle of September at least."[131] Reresby writing of events of the year says that the king and the duke, staying at Windsor, came to town but once a week, to be present at council.[132] "Councils and committees were put off at Windsor by reason that the King was with the Prince at Richmond", says a correspondent in 1688.[133] Shortly before it was reported that the council assembled once a week with the king present.[134]

In the summer of 1690, when William III was abroad, one of his letters coming to Whitehall, the "great council" was called. The king had left affairs nominally to his wife, actually in charge of the cabinet or "the com-

[129] *Ibid.*, lxviii, 16 June 1679. It may be, of course, that in this case merely a usual formula was being followed.

[130] Sir Joseph Williamson's Journal, 4 June 1669: State Papers, Domestic, Charles II, cclxxi.

[131] *Ormonde MSS.*, new series, v. 301.

[132] *Memoirs*, p. 231.

[133] Letter to John Ellis, London, 7 August 1688: *Ellis Correspondence*, ii. 108.

[134] "Il se tient ordinairement une fois la semaine et le roy d'Angleterre y assiste." Report on England: Transcripts from Paris, clxxiv. 136 ii.

mittee". She was to be advised by these particular councillors when she was to attend meetings of the privy council. On this occasion she thought it not necessary for her to go, but asked their opinion: the lord president said no; the others said nothing. In the afternoon the council met. Then, according to a letter which she wrote to her husband, all began to ask whether the queen was coming. The lord president said she was not. Some grumbled at this. Two of them came to her closet, and pressed her to attend. "Lord Stuard told me, there were many there who absolutely told him they would not speak but before me; that they were privy counsellors, established by law; and did not know why they should be refused my presence." Mary was annoyed, and thought it a humor in them which she was not bound to please. "for should I come now for this, I should at last be sent for, when any body had a mind to it." She did not attend.[135]

In 1704, Ezechiel Spanheim, representative at the English court of Frederick I, king of Prussia, sent back to his master an account of English affairs. In that part which related to the government he declared that Anne spent much time at the councils, which were held in her presence.[136] Two years later the Venetian ambassador reported that the queen was often present at meetings of the privy council.[137] The usual and increasingly regular presence of George I and of George II later on is shown not only by the council register but by numerous mis-

[135] Letter of Mary to William, Whitehall, 10/20 July 1690: Dalrymple, *Memoirs of Great Britain and Ireland*, ii, part iii, pp. 136, 137.

[136] "C'est a quoy Elle s'occupe aussi souvent, et autant de fois, que le besoin et les affaires le requierent": *English Historical Review*, ii. 766.

[137] "La regina interviene spesso nel consiglio privato, e per far proponere le materie, che si hanno a discutere, oltre quelle che sono ordinarie, e per formalizzare le deliberazioni, che dipendono solo da regio sentimento." Alvise Mocenigo, Relazione d'Inghilterra: Venetian Transcripts, cxii (the pages are not numbered).

cellaneous manuscripts and papers.[138] In 1778 Lord George Germain wrote that a council was to be held on the following Monday to take off the embargo: "Lord President says it cannot be done without the King." [139]

Outsiders and non-members were sometimes present at meetings of the privy council. On the days allowed there were those who came to present complaints or petitions, and there were on other occasions those whose causes were heard in council, they being accompanied by advisers or counsel. Others were called in at the will of the board to give information or reply to questions. In 1661 the king in council had ordered three or four of the council of trade to attend the privy council some days later, "about the business of the exportation of Bullion." [140] "Thence to White Hall, and there waited to attend the Council, but was not called in, and so home", said Pepys in 1668.[141] Later on it was the custom to have the attorney general and the solicitor general present.[142] Often as they came, however, it was thought not well to admit them as members. As to the attorney being a privy councillor Lord Halifax wrote on one occasion: "He is a Servant

[138] State Papers, Domestic, George I, xiv, xv; S. P. D., George II, xcviii.

[139] Letter to William Knox, 13 December 1778: *H. M. C., MSS. in Various Collections*, vi. 154. About the end of the Victorian era the theory was held that every meeting of privy councillors without the sovereign was a committee of the council, even though all the members had been summoned and were present: Sir William R. Anson, *The Law and Custom of the Constitution* (3d ed., Oxford, 1907), ii, part i, p. 98. See also Sir Almeric Fitzroy, *Memoirs* (2d ed., London, [1923?]), *passim*.

[140] P. C. R., lv, 28 March 1661.

[141] *Diary* (ed. H. B. Wheatley, London, 1903-4), 24 July 1668.

[142] Writing about 1700 Edward Southwell, clerk of the council, said: "Also the Attorney & Sollicitor Genll. are now summoned of cource; and are present in Councill. Whereas formerly they attended in the Lobby, and were called in, as there was occasion for their assistance": Add. MS. 38861, fo. 121. See S. P. D., George I, x, 5 October 1717.

of the Council, & cannot I apprehend with Propriety . . . at the same Time be Servant and Master." [143]

During the latter part of the seventeenth century, as during the period preceding, meetings of the council were often held two times or three times a week, as from time to time it was arranged. Later on the frequency diminished and there were councils twice a week or more generally once. Later still there was a smaller number: twice or even once a month. In 1689 "His Maty is this day pleased to Declare, That he will have the Council to meet here constantly at Two of the Clock on Thursdays in the afternoon, during the Sitting of the Parliament, and to begin Thursday next." [144] Meetings were held at various hours, morning, afternoon, and night.[145]

Sometimes regular meetings were put off or not held. "The Council is adjourned till Wednesday, the 26th of this month." [146] On one occasion the earl of Sunderland, secretary of state, wrote to the other secretary that the king would have the council meeting put off until the following week, "if there be noe businesse that presses and requires his presence, which he leaves to you to judge of, and accordingly to giue Order for the Councill to meet next Wednesday or not." [147] At another time, when some business of the East India Company had been postponed, Sunderland wrote: the king "thinkes fit that the Counsell should not then meet. which I have signifyed to My Lord Keeper. and to My Lord President. and I desire you will please to doe the same. to what other Lords. you

[143] Letter to Edward Weston, 22 October 1763: *H. M. C.*, 10th report, appendix, i. 360. [144] P. C. R., lxxiii, 19 October 1689.

[145] S. P. D., Charles II, ccccxxiv, 27 April 1683; S. P. D., Entry Books, cv, 17 February 1703-4; *ibid.*, cxx, 8 February 1717-18.

[146] Francis Gwyn to the duke of Ormonde, 18 May 1680: *Ormonde MSS.*, new series, v. 323.

[147] S. P. D., Charles II, ccccxiii, 30 May 1680.

shall thinke it necessary to be done to." [148] In 1701 a secretary of state wrote that William was going to Hampton Court; he believed there was little business depending in the council; hence the king thought it not necessary for the council to meet on the following Thursday.[149]

"Extraordinary" councils were called, as previously, whenever the king wished it or the principal councillors advised it. "Yesterday" says a newsletter of 1680, "there was an extraordinary Councell; all the Clerks were ordered to withdraw, and what past is kept private." [150] At such an extra council in October 1688, in the presence also of many who were not members of the council, James II offered proof of the birth of his son, and offered also to send for his queen, but this he was asked not to do.[151] In 1717 a letter went out from one of the under-secretaries: [152]

> I have now got my Orders from my Lord to you, which are
>
> That you should have a summons issued for a great Councill to meet at Hampton Court on tuesday next at eleven in the morning The Attorney General Solicitor & others to attend as usual
>
> My Lord would particularly have you take care that as many Privy Councellors be there as possible.

In 1753 the duke of Newcastle told Earl Granville: "Your Lordship may have a Council, that Day, for the Parliament, & any other Business".[153]

[148] Letter to Secretary Jenkins, 7 August 1683: S. P. D., Charles II, ccccxxx. Undoubtedly at this time by no means all the members were expected to attend.

[149] Secretary Vernon to the lord president, 15 April 1701: S. P. D., Entry Books, cii. 52.

[150] *Kenyon MSS., H. M. C.*, 14th report, appendix, iv. 123.

[151] Luttrell, i. 470.

[152] Letter of George Tilson to —, 5 October 1717: S. P. D., George I, x.

[153] Add. MS. 35414, fo. 40.

In the later period, with the decline in importance of the council, and with the lesser frequency of its meeting, summons for an extraordinary council was apparently much more of an occurrence than once it had been. In July 1761 there was urgent summons for all the privy councillors within reach to attend an extraordinary meeting. The purpose was not known. "It is certainly, however," wrote one who was interested, "not of the deliberative kind, as the whole Privy Council is summoned, but it is for some declaration which the King is to make there." [154] At this meeting the king announced his intended marriage.

When such councils were called the members were given notice to attend.[155] In 1761 command went to the messengers attending on the council: "Waite on the Lords of His Majestys most Honble Privy Council, with Notice, that a Council is appointed to meet at the Court at St James's on Wednesday the 8th of this Instant July 1761, at One of the Clock in the Afternoon, upon the most urgent and important Business." The attorney general, the solicitor general, and the clerks of the council were to have notice also.[156]

Meetings of the council in the latter part of the seventeenth century and the earlier part of the eighteenth were usually held in the privy council chamber at Whitehall. In 1679 all the meetings during April and May were held there.[157] In 1681 all of the twenty-eight meetings held in the first three months were at Whitehall save the last which was at Oxford. During the remainder of that year the majority of the councils were also at Whitehall, with a considerable number of meetings, however, at Hampton

[154] C. Jenkinson to George Grenville, 2 July 1761: *Grenville Papers* (London, 1852), i. 374.

[155] For example, S. P. D., George II, iv, 19 December 1727.

[156] Add. MS. 35870, fo. 296.

[157] P. C. R., lxvii, lxviii.

Court.[158] In 1685 every meeting was at Whitehall except two at Windsor.[159] In 1688 all the councils were at Whitehall, excepting a few, during the summer, at Windsor.[160] During 1693 and 1694 numerous meetings were held at Whitehall, with a few meetings at Kensington from time to time.[161]

After 1697 Whitehall ceased to be, what for so long it had been, the usual royal residence when the king was near Westminster and London. More and more, then, since so many privy councils were held in the royal presence, were they held at other places where the sovereign was residing. In 1700, all the meetings during January, February, and March were held at Kensington, those during the next three months at Kensington or still more at Hampton Court; during July, August, and September—while William was out of England—the lords justices held the occasional privy councils at Whitehall; but after the king's return, during the rest of the year, one of the meetings was at Hampton Court, one at Whitehall, and the other four were at Kensington Palace.[162] During 1713 the council was assembled at St. James's, at Kensington, at Hampton Court, at Windsor, but at Whitehall, not once, though at Whitehall was held a meeting of the members of the cabinet or "lords of the committee".[163] At all of the council meetings that year the queen was present, and they were evidently summoned for her convenience to the royal palace at which she was staying. Such arrangement was a usual one as time went on, so that often the councils, less frequent than they once had been, were not at Whitehall. In 1728 all the meetings during January, February, March, April, and May were at St. James's; in June one at St. James's and one at

[158] *Ibid.*, lxix.
[159] *Ibid.*, lxx, lxxi.
[160] *Ibid.*, lxii.
[161] *Ibid.*, lxxv, lxxvi.
[162] *Ibid.*, lxxvii, lxxviii.
[163] *Ibid.*, lxxxiv.

Richmond: the two in July at Hampton Court: the one in August at Hampton Court; the one in September at Windsor; the rest of the meetings during the remainder of the year at St. James's.[164] During 1733 there was no meeting of the privy council at Whitehall, the gatherings being at St. James's, except for three held at Hampton Court.[165] On the other hand, during 1753 some of the meetings were at Kensington and others at St. James's, but the larger number were at Whitehall.[166]

At Whitehall there continued to be a particular chamber for the privy council. This council chamber was much used also for meetings of committees of the council, and sometimes for meetings of other bodies. In 1676 the two keepers of the council chamber petitioned the king to increase their salary from 2s. 6d. to 5s. per diem, "in regard of their constant attendance upon the Councill, and the R^t Hono^ble the Lords of the Com^tee for Trade, and supplying their Lo^ps with ffire & Candle, for which they have had no Allowance."[167] In 1688 a correspondent wrote to John Ellis: "This day at ten of the clock, the Lords Commissioners for Ecclesiastical causes met at the Council-chamber in Whitehall, to receive the returns made by the several Chancellors and Archdeacons about reading the King's Declaration."[168] Paper and other requisites were supplied by various ones. "He [Captain Cocke] tells me how the King was vexed the other day for having no paper laid him at the Council-table, as was usual; and Sir Richard Browne did tell his Majesty he would call the person whose work it was to provide it: who being come, did tell his Majesty that he was but a poor man, and was out £ 400 or £ 500 for it, which was as much as he is worth; and that he cannot provide it any longer without

[164] P. C. R., xc.
[165] *Ibid.*, ciii.
[166] *Ibid.*, xcii.
[167] *Ibid.*, lxv, 14 July 1676.
[168] *Ellis Correspondence*, ii. 123.

money, having not received a penny since the King's coming in. So the King spoke to my Lord Chamberlain." [169] In 1685 the king in a council of sixteen ordered the usual allowance of ten pounds to be paid to one of the keepers of the council chamber, who had "disbursed severall Sum̄s of mony for herbs, Boughes, Rosemary, Bromes & other necessaryes" during the year.[170]

In 1691 part of seventeenth-century Whitehall Palace was burned, and nearly all the rest in 1697. St. James's then became the sovereign's principal London residence, and as time went on a larger number of councils was held there in the king's presence. After the destruction of most of Whitehall, Luttrell noted, however, that the council office was to continue there at the Cockpit: "The banquetting house is fitting up for a chappel; the council chamber, treasury, and duke Shrewsbury's offices, are to be at the Cockpitt, till Whitehal be rebuilt." [171] In this place many meetings of the council had formerly been held, and many a festivity and formal affair nearby. Great functions continued to be held there.[172] And even after the majority of the privy councils were held in other places, the principal seat of the council, the repository of its records and its books, continued to be at the Cockpit. "I would beg . . . you", wrote a certain one in 1706, "to step up to the Office over the Council-Chamber at the Cockpit, where my Ld Archb. says the Council-books are kept." [173] In 1718 one of the under-secretaries wrote to the attorney general: "The Council is summoned to meet at the Council Chamber in the Cockpit, to Morrow at Six in the Evening." [174]

[169] Pepys, *Diary*, 22 April 1667. [170] P. C. R., lxx, 9 January 1684-5.

[171] Luttrell, iv. 329.

[172] "Preparations are making at the Cockpitt to entertain the Venetian ambassadors, who make their publick entry next week": *ibid.*, v. 228.

[173] S. P. D., Anne, viii, 29 November 1706.

[174] S. P. D., Entry Books, cxx. 277.

When the council was assembled at one of the other various palaces of the monarch, probably, as in the past, it met in the council chamber that was there. At times, however, it was summoned to such places and to such rooms as suited the sovereign's convenience. In 1706 councillors were called to a meeting in the queen's bedchamber.[175]

The rules and the regulations made for the privy council earlier, in the first half of the seventeenth century, appear to have been continued in force, with few or no new ones afterwards made.[176] In 1757 there was a summary of many council regulations and an account of much council procedure in an anonymous pamphlet, written, apparently, by one competent and for the most part informed. The author said:

> The Regulations and Orders of our Kings, with respect to the Council-Board, formerly were usually renewed or altered upon the Accession of every new King; and it was then generally thought inconsistent with the Prerogatives of the Crown, to allow Privy Counsellors any Power to act but when the King was present, except in Matters of ordinary Course; and the Power of a Privy Counsellor in this Respect arose from those Regulations and Ordinances of the Crown by which the Course or Order of Proceedings at the Council Board was established.

He described what had been ordained long before about method and procedure in the council. All this he did,

[175] "The Queen having a Mind to alter Sherr: of Staff:, appointed a Council; but could not come, being hindred by the Gout. The Counc: & Clerks were therefore admitted into her Bed Chamber, or Closet, where she lay on a Couch, & writt the new Sherr: Name on the Roll." *Diary of Earl Cowper*, 5 January 1705-6.

[176] According to Sir William Anson, the rule—made in 1628, that in voting the lowest councillor should speak first, was never altered or repealed, and was reaffirmed by order in council in 1878: *The Law and Custom of the Constitution* (3d ed., Oxford, 1908), ii, part ii, p. 293.

apparently, with respect to an earlier time, lamenting that now in his day there was decay and disuse of the old rules. Actually, however, his writing was a political pamphlet against ministers who had engrossed to themselves royal power, who had taken away the importance of the privy council and given it to the cabinet council. His treatise and others foreshadowed George III's efforts to recover the power of the king. What he described of council procedure was largely what had been ordained in the time of Charles I—and what had generally continued unaltered.

Writing, then, of a period preceding, he says that when the principal secretaries of state received intelligence about concerns of the crown or the public, at once they were to inform the sovereign. His pleasure was to be taken how to proceed: whether to lay such despatches before the whole privy council or a select number thought to be the properest judges of the matter that was to be considered. Committees of this sort, he says, were formerly temporary committees. Usually at councils or committees of the council the lord president took the resolution of the board, what business to begin with at the next sitting, which prevented needless delays. When the clerk of the council took his minutes he would read aloud what he conceived to be the sense of the board, so that if aught was mistaken it might then be corrected. Afterwards, when the said clerk drew up any of the orders at large, in any cause of importance, before he entered the same in the council book or delivered it to any person concerned, he showed the draft to the lord president, or in his absence to any one of the secretaries of state, to be allowed and signed under the hand of one of them. When orders of council were issued or when commandments were given from the board in the name of the king, special care must be taken by the president or the secretaries of state to

see that they were put in execution. This, says the author, was good, since such orders ought to be effected without participation of intermediate persons.[177]

From various other miscellaneous sources it is evident that the old rules continued. As before, there were days for petitions and things of interest to the "public".[178] Other days were reserved for transaction of the important formal routine of affairs of state. About 1695 a well-informed, anonymous adviser who wrote various suggestions for William about council, committees, and lords justices, asserted that more care should be taken of what was to be read at the council, that the matters brought there should be first examined by the lord president; otherwise—as he had often observed—it would be in the power not only of any councillor but of the clerks to call for petitions not fit to be read, something that would cause disorder inconsistent with doing business in so solemn a place. He also declared that there were many indecencies and irregularities, relating to clerks, door-keepers, and others, into which the lord president ought to examine.[179]

About the end of the seventeenth century, Edward Southwell, one of the clerks of the council, compiled "Some Mixt Notes" on privy council procedure. No paper, he said, ought regularly to be read at the board in any language but English or Latin. Letters or warrants must be signed by six members to be valid. Petitions were seldom read the same day that they were presented, unless brought in by some particular hand or for a mat-

[177] *The Fatal Consequences of the Want of System in the Conduct of Public Affairs* (London, 1757), pp. 4, 5, 6, 7.

[178] "I am com̄anded to produce your letter ag^{n} att the next public Councill day, which will not be till this day sennight, att Hampton Court." Secretary Jenkins to the mayor of Taunton, 24 May 1683: S. P. D., Entry Books, lxviii. 272. This concerned some local disturbance. There is nothing about it in P. C. R., lxix, 31 May 1683.

[179] S. P. D., King William's Chest, xiii. 10a.

ter needing despatch. When read petitions were minuted with the decision, after which the clerk drew up the order thereon. Even reference was now by order, save for petitions of the poorer sort where reference was merely noted on the back. No paper of any consequence might be referred without first being read, though in lesser matters it was sometimes so done. When a member was added to a committee that must be signified in council. No lawyer might plead at privy council without his gown. All the clerks, extraordinary as well as ordinary, must now attend—formerly that had not been required. The clerks waited by turns monthly, the eldest choosing the three months which he preferred, and so in order.[180]

As before, when necessary, matters were considered in debate in the council, the majority deciding, though decision thus made was not always accepted by the king. In 1667 all but three of the council were in favor of calling parliament, but that was not done.[181] In 1672, the earl of Anglesey says he got out of bed to go to an extraordinary council, where he advised against the stop of the exchequer; " and so did most of the Council, but 'twas not followed." [182]

As the importance of the council declined, as it was more and more restricted to attesting important formal matters or attending to unimportant routine, debates became, it would seem, less frequent and less important. In January 1681 a correspondent of the duke of Ormonde wrote that Charles II, having summoned an extraor-

[180] Add. MS. 38861, fos. 121, 122.

[181] " 'Tis said that nobody in the councell was against calling a parliament, but the Duke, my Lord Chancellor, and Sir George Cartwright, the rest unanimously, and our friend violently, for calling it presently; however, the power of the others has so far prevailed that as yet we hear no more of it." Henry Savile to Sir George Savile, 20 June 1667: *Savile Correspondence* (Camden Society, lxxi), p. 17.

[182] *H. M. C.*, 13th report, appendix, vi. 270.

dinary council, declared his resolution to dissolve the present parliament and call another; whereupon he ordered a proclamation for immediate dissolution and for calling a new parliament to meet at Oxford in March. "The Earl of Salisbury debating against it was silenced by His Majesty, upon which his Lordship desiring leave to withdraw himself, the King answered he could not make any request that would be more easily granted, and ordered his Lordship's name to be struck out of the Council Book."[183] A little later that year a "Debate" in the privy council is mentioned. In October there was an effective discussion concerning matters of policy and also about the constitution of the privy council itself.[184]

In 1693 there was a debate in the council about whether parliament, to meet early in May, should be prorogued to a time a little later. Some favored it. Others argued that the public had suffered much by parliamentary privilege in so long a session; that parliament had granted money—why let it last longer? that many members, justices of the peace, would be of more service in their counties; that there was no danger of invasion from France that year. In the end: "Resolved—that the Parl^{t} be prorogued to the 19th of September next."[185] Somewhat later that year, when an election at Colchester was being considered in council, the majority were against exercise of the king's prerogative therein.[186]

In 1713 Swift wrote of a debate in the council concerning the Treaty of Utrecht: "At a council to-night, the Lord Chief Justice Parker, a Whig, spoke against the peace; so did Lord Chomley, another Whig, who is treasurer of the household. My Lord-Keeper was this night

[183] Francis Gwyn to the duke of Ormonde, London, 18 January 1680-1: *Ormonde MSS.*, new series, v. 555.

[184] S. P. D., Entry Books, lxii, 23 July, 5 October 1681.

[185] Edward Southwell, Privy Council Notes: Add. MS. 34350, fo. 4.

[186] *Ibid.*, fos. 8, 9.

made Lord-Chancellor. We hope there will soon be some removes." Next day he wrote: "Lord Chomley, the right name is Cholmondeley, is this day removed from his employment, for his last night's speech." [187] This was a time of great stress and high political passion.[188] An active opponent of the main policy of the government could, perhaps, no more properly remain in the privy council then than in the cabinet now.[189] In respect of many matters, however, division of opinion and opposition entailed no trouble. In 1708 Luttrell records a council that sat during the night and until one o'clock in the morning, the queen present part of the time. There it was debated whether Lord Griffin, attainted of high treason—having come with the pretender, and who refused to make any discovery, should partake of her majesty's mercy. Some said he was forced from France against his will, and that very rarely was a man executed upon an outlawry without allowing him a trial. "At last 20 against

[187] Swift, *Journal to Stella, Prose Works* (ed. Temple Scott, London, 1907-8), ii. 454.

[188] On this occasion St. John wrote to the duke of Shrewsbury: "Your Grace will be curious to know who spoke on that occasion; and they were, the Treasurer of the Household, and the Lord Chief Justice Parker. These two wanted more time, it seems, to judge of the conditions of the peace. The first of them had warmed himself, without any provocation, to a degree of heat not becoming that place. I thought this proceeding as much resented as possible, and that resentment more shown than usually the passions of some people are." Bolingbroke, *Letters,* iv. 29, 30. See also *Parliamentary History,* vi. 1170.

[189] Of the council in Ireland Swift wrote in 1711: "The privy council in Ireland have a great share of the administration; all things being carried by the consent of a majority, and they sign all orders and proclamations made there, as well as the chief governor; but his Excellency disliked so much share of power in any beside himself; and when matters were debated in council otherwise than be approved, he would stop them and say, 'Come, my lords, I see how your opinions are, and therefore I will not take your votes', and so would put an end to the dispute." Swift, *A Short Character of His Ex. T. E. of W.* [earl of Wharton], etc. (London 1711), *Prose Works,* v. 26.

18 were for reprieving him, which is accordingly done for 15 dayes; and 'tis beleived he will be pardoned." [190] The earl of Ailesbury, writing about 1728 concerning events of 1680, said that the privy council was a place "where no matters of any consequence were debated but as the king pleases." [191]

One thinks not, perhaps, of any language except English being used in the privy council of England at this time, but many communications came to the council from abroad. In 1693 a memorial in French was received from Hamburg. One member declared he could not read it. Another said it should be extracted or translated: "Being of Opinion that no Paper in any Language except Latin and English ought to be read at the Councill Board. And of this opinion was my Ld Clarendon also." [192]

The deliberations of the privy council were supposedly secret, except what took place at the "public" sessions, when causes were heard or petitions received. Yet, especially since state affairs and important matters had been so largely withdrawn from council to cabinet, many decisions were almost at once made known, even before orders issued, and often there could be little objection. Much privy council business was known immediately to those who desired to know it, and, as in the period preceding, many things done under secrecy were speedily noised abroad.

In 1687 Luttrell, always interested in what the government was doing, wrote: "His majestie has been pleas'd to declare in council his intention to have the penall lawes and the act about the test to be repealed in the next parliament, and that the lords of the council should use

[190] Luttrell, vi. 316.

[191] *Memoirs of Thomas, Earl of Ailesbury*, i. 41.

[192] Southwell, Privy Council Notes: Add. MS. 34350, fo. 7.

their interest for that purpose." [193] In July 1690 he noted that council sat very late in a meeting on the present juncture of affairs, and dispatched several expresses: one to Holland, another to Lord Torrington, a third to Ireland.[194] Probably these matters should not have been known outside of the council. In December of the following year: "Last night a great counsell on the subject of maritime affaires." [195] So much, perhaps, a journalist might find out at present about a meeting of the cabinet council. A little later, however he knew that "The councell had before them this day the affairs of Ireland, thought a lord lieutenant will suddenly be appointed, and a parliament be called there in the spring." [196] In August 1702 he recorded that "Yesterday was a great council at Hampton Court, where they satt upon affairs of great consequence, and sir George Rooke's letters to the lord high admiral were read." [197] He continued to be interested and well-informed. In March 1706: "A general council was held last night at Kensington, and I am told the ministers of state of England were named to be some of the commissioners for the union with Scotland." [198]

Doubtless in many cases secrecy of the privy council was supposed to appertain not so much to decisions as to debates, opinions, and procedure. Furthermore, some of the business was "public". In 1690 there was a debate in the house of commons concerning a libel. One of the members, who was of the privy council, told of the libel having been seized, brought to council, and there dealt with. Then

Sir Edward Seymour: Harbord has given you an account of what was done in council; I believe he has licence from the king to

[193] Luttrell, i. 415.
[194] *Ibid.*, ii. 67.
[195] *Ibid.*, p. 318.
[196] *Ibid.*, p. 326.
[197] *Ibid.*, v. 207.
[198] *Ibid.*, vi. 30

do it, or else he has broken his oath.

Mr. Harbord: I understand my oath as a privy-counsellor, and will keep it. In what I informed you, counsel was heard on both sides, and the thing was public.[199]

Some effort was made to keep secret what went on in the council, and sometimes the obligation was given as excuse. In 1701 the earl of Portland told a committee of the house of lords that he had previously been silent about the Partition Treaty since because of his oath of privy councillor he could speak only with permission of the king.[200] In 1703 Luttrell heard that one of the clerks of the deliveries, a place in the ordnance office, worth five hundred pounds a year, had been dismissed for discoursing in public that a certain privy councillor was against the queen assisting the Cévennois.[201] Often Luttrell could not learn as much as wished. In 1693 he records a privy council at which the departure of the Turkey Fleet was debated: "we do not hear the result." It should be said, however, that the council came to final resolution about this somewhat later. That same year he speaks of a great council held at Whitehall at night. Three former admirals attended along with the commissioners of the admiralty and the navy: "but their proceedings are kept secret." [202] Sometimes his inability to learn may have been only for the moment. In April 1708 he says: "A councill mett this night at Kensington, but being late

[199] *Parliamentary History*, v. 620.

[200] Frédéric Bonet to the king of Prussia, London, 17/28 March 1701: Add. MS. 30000 E, fo. 92.

[201] Luttrell, v. 292.

[202] *Ibid.*, ii. 44, 48, iii. 224.

before they rose, we could not learn what they did." [203] Often, doubtless, secrecy was preserved by withholding knowledge from the body of the council, and this had been one of the principal causes of the development of the cabinet council. In 1690 Luttrell knew that preparations were being made to equip the fleet at once, and that the earl of Marlborough and others had gone down to Portsmouth. But "the design is not known even to the queen or privy council: some think 'tis tended to make some attempt upon the coast of France, others that it is intended for Ireland." [204]

As before record of business in the council was taken by the clerk of the council attendant, or sometimes by a member if the clerk was excluded.[205] Afterwards a formal record was drawn up by him and embodied in the register of the council. In accordance with the older custom this volume was occasionally called "the Register Booke of Councill Causes." [206]

Evidently much that took place in the council is not recorded in the register of the council. The record concerned routine and included no debates. For knowledge of the debates in council recourse must be had to contemporary gossip and letter writers, to diaries and memoirs, and to minutes and various manuscripts to be found scattered about in the state papers. From time to time in the register are records of meetings that give no more than the date and the place and the names of those who were present, with a blank space following, which may indicate either that there was a very close council or else debate merely with nothing concluded.[207] Nor does the

[203] *Ibid.*, vi. 295.

[204] *Ibid.*, ii. 95.

[205] "Minutes of Council" are scattered about in diverse places: for example, S. P. D., Various, i, 22 May 1729; v, 23 June 1748.

[206] P. C. R., lvi, 13 June 1663.

[207] For example, *ibid.*, lx, 26 March 1668; lxiv, 6 June 1675.

register contain record of all the business transacted. Sometimes the notes of the clerks of the councils have remained, and are seen to be fuller than the record in the formal minutes. This is apparent from the notes of Edward Nicholas for 1660 and 1661. "The 6th [?] Article in Brndenb^{g} treaty p^{r}sented . . . was this day read att C. B. & approved of", he records on one occasion in his own rough minutes; but there is no mention of this in the register for that day.[208] About the same time in a council of the king and twenty, "It was this day Ordered That the Earle of Anglesey & Mr Secretary should draw up an Act of Councill of what passed at the Board on Monday the of last in relation to the unanimous consent of the Councell in debateing his Maties Mariage with the Infanta of Portugall."[209] In the register, apparently, there is no previous allusion to this. On another occasion in the minutes of a meeting at Whitehall "Antrim" is written in the margin—throughout this part of the register marginal headings accompany the body of the manuscript—but in this place half the page is left blank, as though the clerk had intended to fill in something left omitted.[210] In October 1661 Nicholas has the note: "The draught of the Treaty with the Swed Ambas was to day read at the Boorde the K. psent & approved off." Most probably this refers to the privy council. There was, indeed, a meeting of the council that day, and the king was present, but the record in the register has nothing about a treaty with Sweden.[211] "The Bearer" says a paper of 1666, "is the person whoe accuseth Cap Buckrum [?] of false Musters, wch was yesterday referred to the Committee of the Councell to examine."[212] But the

[208] S. P. D., Charles II, xliv, 3 July 1661; P. C. R., lv, 3 July 1661.
[209] P. C. R., lv, 10 May 1661. [210] *Ibid.*, 12 July 1661.
[211] S. P. D., Charles II, xliv, 16 October 1661; P. C. R., lv, 16 October 1661.
[212] S. P. D., Charles II, clxv, 31 July 1666.

register contains no mention of this in the minutes of a meeting held the day before.[213]

During this later period also acts and orders of the council went out signed or not signed, under one seal or the other, and even not sealed. At times council papers were signed by clerks of the council. Frequently they had the signatures of members of the council; and for some years after the Act of Settlement (1701) parliament enjoined that in the future members of the council who approved an order must sign it, but later this provision was repealed before coming into effect. Proclamations of the king in council went out under the great seal. Some council papers issued under privy seal or signet. Many of them were impressed with the seal of the privy council itself. The history of the council seal continues obscure, though more and more it becomes evident that a great many council documents went out under council seal, whereas earlier many seem to have issued signed but unsealed.

In 1554 a council warrant relating to imprisonment of the Princess Elizabeth signed by six had borne no seal.[214] In 1606 a communication to Sir Thomas Edmonds, ambassador with the archduke in Brussels, was signed by seven councillors but not sealed.[215] Ten years later an order of council on a petition of London merchants residing in France was neither signed nor sealed.[216] In 1618 another council order had no seal, as was the case the next year; and in 1627 an order of eleven of the councillors at Whitehall bore no seal.[217] In 1635 a council order was not signed and not sealed.[218] In 1670 an order of council had no

[213] P. C. R., lix, 30 July 1666.
[214] Add. MS. 34563, fo. 61.
[215] British Museum, Stowe MS. 168, fos. 377, 378.
[216] British Museum, Lansdowne MS. 160, fo. 299.
[217] State Papers, Ireland, ccxxxiv. 30A; ccxxxv. 22; ccxliv. 636.
[218] State Papers, Domestic, Charles I, cclxxxv. 21.

seal.[219] Two years later a communication to the earl of Carlisle about arresting seamen had nine signatures and no seal.[220] In 1680 another, to the earl of Rutland, about enforcement of a statute, bore ten signatures and was without seal.[221] In 1694 and in 1700 communications from the privy council to the earl of Rutland were signed by councillors but not sealed.[222]

After 1660—save for occasional notices that a seal was to be provided—there appears, as before, to be little or nothing in the council regulations and orders about use of a council seal, or concerning what documents were to be sealed, and under what circumstances that should be done. In March 1693 Edward Southwell became clerk of the council in extraordinary. A few days after he drew up a paper containing his thoughts on " How to Cultivate my Interest against an Oppertunity shall happen ". Through certain great ones he would try to get the notice of the king, through others that of the queen, and through another the attention of the lord president of the council. Then in " Preparatory things to enable mee in my Business " he resolved on constant attendance at council and at committees, at hearing of appeals, at important hearings at the treasury and elsewhere. He would read the instructions to the privy council, the council books since 1660, the index of remarkable things, and get copies made of certain records. Attending the council he would take notice of what was done there, so that he might be able to give information to the board, or to the lord president privately, or else to the clerk in waiting. He would study in the council books whatever had been done about embar-

[219] S. P., Ireland, cccxxx, part ii. 173i.

[220] *Le Fleming MSS., H. M. C.*, 12th report, appendix, vii. 90.

[221] *MSS. of the Duke of Rutland, H. M. C.*, 12th report, appendix, v. 54.

[222] *Ibid.*, pp. 154, 155.

goes, procuring seamen, victualling, transport, ordnance, sick and wounded, prisoners, prizes. Furthermore

5. To have recourse to the Signet Office, where all Warrants will appear, for what has gone to the Great Seal, as also for letters into Ireland . . .

6. To inform my self in every Stepp of a busness leading to the Great Seal, as namely the Pet^n—Reference—Report—Order or Warrant thereupon directing the Attorney or Sollicitor to prepare a Bill. Then the Bill returned, and signed by his Ma^ty with Directions to the Clerks of the Privy Seale to prepare their Bill. Then the Concurrence of the Treasury by Docketts, in case there be any Concern of mony therein, payable by his Ma^ty Then the formality of getting the Privy Seal. Then the Lord Keepers Recepi thereupon, wch allways gives date to the Pattent, and then by Progress by the Hamper Office to the Great Seal and the formalitys wch there are used. And to know the severall fees, wch are payable in every Office.

He would study Latin correspondence. He would note the preparations made when a minister was sent abroad—the passport, the credential, the instructions and powers under the signet or under the broad seal—if a treaty was to be made, with a privy seal for so much *per diem*. He would study the papers in the various offices, also the proclamations and the declarations since 1660, and especially of the past four years. He would survey plantation papers and maps, and read some of the charters. Then

12. To master the forms of all Busness passing at the Councill Board.

Finally, he would learn French and Latin thoroughly. In all these minute and elaborate memoranda there is nothing about a seal of the privy council.[223]

[223] " M^rs of things necessary in my Station ", Privy Council Memoranda, 1540-1718: Add. MS. 38861, fos. 64-66.

In 1699 Southwell became clerk of the council in ordinary. In an undated paper he has further memoranda about observances and procedure at the council. Among other things he declares that " In signing Letters or Warrants, there must be 6. hands, & the Ld Keeper signs before the Lord President." When petitions are read they are minuted with the words " granted ", " approved ", " nothing ", " rejected ", " respited ", unless there is some particular direction; afterwards the clerk of the council draws up an order of reference, unless the petition be of the poorer sort, in which case a bare reference is inscribed on the back of the petition. Again, nothing about the existence of a council seal.[224]

8 March 1702, on the death of William, the lords of the council, attended the new queen at St. James's. There Anne ordered all the members of the late king's council to be sworn of hers. Then the lord keeper, the principal secretaries, and the commissioners of the privy seal rendered to the queen the seals of their offices. At once she restored them, authorizing use of these seals until new ones were made. Also " all other Publick Seals " in England and in other her majesty's dominions until other seals were ready. Among the lesser officers specified were the chancellor of the exchequer and the chancellor of the duchy of Lancaster, and mention was made of the public seals in the plantations. Of a privy council seal, however, nothing was said.[225]

During 1714 and 1715, after the accession of George I, there were ordered or delivered in the privy council a new great seal, new seals for the plantations, a new seal for the duchy of Lancaster, a new privy seal, a new great seal and a new privy seal for Ireland, new seals for courts of law in Ireland, new exchequer and judicial seals for

[224] " Some Mixt Notes ": *ibid.*, fos. 121, 122.
[225] P. C. R., lxxix, 8 March 1701-2.

counties in Wales, new seals for king's bench and common pleas. Apparently there is no mention of a seal for the privy council.[226]

Altogether, even when from the council records there is evidence that a seal has been ordered for use of the council, absence of such evidence generally there might sometimes, none the less, seem to indicate that this seal was of a body having continuous and corporate existence extending from one reign through another. From other sources, however, there is no little evidence to show that the seal of the privy council was thought of as the seal of the reigning king's privy council,[227] and that sometimes, though not always, this idea was graven on the seal with the king's initials.

Much difficulty adhering to the subject results from absence of evidence in the records of the council. In many places where the register might be expected to report some order about a council seal there appears to be nothing. Whether this is because the register does not record all that was done or whether it is because nothing was done in the matter cannot be certainly known. Hence, it is necessary to piece out the story from sealed documents found by chance or in places far apart, and on older sealed council documents the wax will often be found broken or defaced altogether.

In 1549 a letter of privy councillors in London to Edward VI, deploring the king's displeasure, is signed by fifteen and sealed on the back, but the seal is gone save

[226] *Ibid.*, lxxxv.

[227] "And therefore in all Publick Acts of State, as making War and Peace, Calling and Dissolving Parliaments, &c. by the Original Constitution of this Government, The King is to be Advised by his *Privy-Council*, which is called, *Concilium Regis Privatum & Concilium Regis Secretum*. These Privy-Councellors are *Partes Corporis Regis*, they are *Incorporated into the Monarchy*": [Sir Humphrey Mackworth], *A Vindication of the Rights of the Commons of England* (London, 1701), p. 15.

for a mark.[228] In 1555 the council resolved to ask Philip and Mary for a seal with the letters "*P and M*", surmounted with a crown, for the sealing of council letters.[229] In 1577 a communication signed by Burghley, Sussex, and Leicester, bidding Lord Norrys come to them at the Star Chamber, was sealed on the back: in the center of the seal a rose, to the right a dragon or griffin, to the left a lion, above it a crown between the letters E and R, beneath it lettering too faint to be read.[230] Three years later a communication of the privy council to the earl of Leicester, giving him power over forces in the county of Southampton, is signed by seven and sealed on the back: here beneath the rose appear clearly the letters S. C. P.[231] In 1598 the seal of the privy council of Ireland has the crown between E and R.[232] In 1602 a warrant of the council is signed by eight and sealed: above the rose is a crown apparently without the sovereign's letters, while under the rose appear the letters S S C.[233]

In 1603, some seven weeks after the death of Elizabeth, a warrant of the council signed by twenty is sealed with the same seal.[234] Seven years later a council letter to Sir Thomas Edmonds, ambassador in France, signed by eight, is sealed on the back in wax now much worn down: no letters can be read beside the crown; beneath the rose appears the legend S P C.[235] Next year an order of the council discharging out of prison the Lord Howeth, signed by three, seems to have been sealed on the cover, but the impression is obliterated now.[236]

In 1614 a warrant of the council directed the chamberlain and treasurer of his majesty's chamber to pay "for

[228] British Museum, Cotton MS., Titus, B. ii., fos. 36, 37.
[229] P. C. R., vii, 20 May 1555.
[230] Cotton MS., Titus, B. ii, fos. 286, 287.
[231] *Ibid.*, B. v, fos. 91, 92.
[232] State Papers, Miscellaneous, cxcviii.
[233] Add. MS. 5753, fo. 215.
[234] *Ibid.*, fo. 231.
[235] Stowe MS. 171, fos. 277, 278.
[236] Lansdowne MS. 160, fo. 223.

a Councell seale" and other things.[237] Shortly after, another communication to Sir Thomas Edmonds was signed by ten and sealed on the back, but the lettering and part of the design are gone.[238] Still later that year there was another council warrant to a certain one "to make one Counsell Seale in Brasse for Francis Cottington esqr one of the Clarks of the Counsell".[239] Next year a letter of the council to the earl of Sussex, signed by seventeen, was sealed on the back, but the impression is partly defaced.[240]

In 1622 a letter of the privy council to Lord Zouche, lord warden of the Cinque Ports, was signed by nineteen and sealed on the back: at the sides of the crown no letters appear, the rose is between the lion and the griffin, beneath are the letters S PRI CON.[241] On the back of a council letter signed by twelve to Viscount Dorchester, ambassador to France, is a similar seal partly defaced.[242] About the same time the seal of the privy council of Ireland had the crown, lion, rose, dragon, and S·PRI·CON.[243]

In 1629 a privy council letter to officers of Colchester, signed by twenty, was sealed on the back: the impression partly defaced still shows R to the right of the crown.[244] Two years later a council order on a representation of the adventurers to Canada is sealed in the upper left corner: the impression defaced shows none the less C and R at the top.[245] In 1637 an order of the king in council on a petition of London merchants trading to the East Indies has in the upper left corner the impression

[237] P. C. R., xxvii, 15 April 1614.
[238] Stowe MS. 175, fos. 5, 6.
[239] P. C. R., xxvii, 20 December 1614.
[240] Cotton MS., Titus, B. v, fos. 85, 86.
[241] State Papers Domestic, James I, cxxviii. 57.
[242] British Museum, Egerton MS., 2595, fos. 131, 133.
[243] S. P., Ireland, ccxxxiv, 15 July 1618; ccxxxvii, 27 December 1623.
[244] Stowe MS. 184, fos. 2, 3.
[245] Colonial Papers: C. O. 1, vi. 27.

of a seal upsidedown: above the crown C and R, beneath the rose faint lettering which appears to be S: PR: CON.[246] About the same time an order of privy council in Star Chamber, concerning vessels to guard the Irish coast, is sealed: the impression mostly defaced seems to have C to the left at the top.[247] In 1641 a memorandum of the appointment of Sir Edward Littleton to be lord keeper of the great seal has an impression which shows the C and perhaps the R near the crown.[248]

For this reign there is further information from the collection of seals and impressions in the British Museum, which contains an impression of the seal of the privy council of Charles I from the matrix belonging to Lord Scarsdale.[249] An undated council seal of this period has the crown between C and R, the rose between the lion and the griffin, and underneath S·PRI·CON.[250] A cast of this seal is elsewhere described by the cataloguers as having within a foliated border a rose—the badge of England, supported by a lion rampant regally crowned and a dragon or griffin, ensigned with the royal crown between the initials C and R, at the base S·PRI·CON.[251]

Altogether, it would seem that whereas the seal of the privy council in the time of James I did not bear his initials, that of Charles I, as had been the case with Elizabeth's, had the sovereign's initials at the sides of the crown.

Some of the councils of the interregnum likewise had seals. In 1650 a captain's commission given by the second council of state bore an impression which shows an ornamental shield with the arms of the Commonwealth of England to the right and the arms of Ireland to the left,

[246] Board of Trade, Colonial, East Indies: C. O. 77, vi. 25.
[247] S. P., Ireland, cclvi, 10 February 1636-7.
[248] Add. MS. 38847, fo. 26.
[249] British Museum, Seals, cxlvi. 20.
[250] *Ibid.*, xxxvi. 241.
[251] *Ibid.*, xliii. 4.

and around the border THE·SEALE·OF·THE·COVN·OF·STATE·APPOYNTED·BY·THE·AVTHO·OF·PARL.[252]

For some time after the Restoration paucity of precise information leaves the subject difficult as before. No regulations of the council mention the use of a council seal, and at this time there appears to be no council order about one. In July 1660 a minute of privy council, copied and signed by one of the clerks for sending out, is sealed in the upper corner at the left; but little of the impression can be read. Shortly after, another minute similarly sealed shows a C to the left of the crown with perhaps an R to the right, though part of the impression is very faint.[253] It would appear, then, that the council of Charles II was at the start using the seal of his father's council. Early in 1661 an order in council is sealed, but the impression is obliterated almost entirely.[254] In February, an order in council appointing a standing committee to receive information about the prince of Orange was stamped inside with the seal: the impression shows a crown with C and R at the sides, the rose between the lion and the griffin, below it S PRI CON.[255]

A new council seal presently appears. In August 1661 an order referring to a committee of the council the petition of London merchants is sealed in the upper left corner: the impression shows a crown with no letters at the sides, while below the rose is the inscription SIGILL· PRIVI·CON.[256] Two years later an order of the king in council bears impression of the same seal.[257]

Thereafter this seal appears on many documents of the privy council: the crown without initials above, SIGILL·

[252] British Museum, Additional Charters, 19399.
[253] C. O. 1, xiv. 20, 53.
[254] Bodleian Library, Clarendon MS. 74, fo. 94.
[255] *Ibid.*, fos. 109, 110.
[256] C. O. 77, viii. 112.
[257] Clarendon MS. 80, fo. 155.

PRIVI·CON below.[258] In 1664 it is on the council minute of the swearing of Robert Southwell clerk of the council in ordinary, as it is when Edward Southwell was sworn clerk in extraordinary a generation later.[259] In 1671 it is on a council order concerning remission to a certain one of quit rents in Ireland, and shortly after on an order about bringing money thence.[260] That same year it appears on the copy of a council minute containing an order about Jersey.[261]

It seems likewise to have been used on into several following reigns. In 1693 it is on the reference by the council of the petition of one who wished to appeal from a judgment in Jamaica.[262] In 1699 it is on the minute of the swearing of Edward Southwell clerk of the privy council in ordinary.[263] In 1705 it was used on a council order referring to the board of trade a petition of the agents of Barbados.[264]

A change was made in the council seal after the union of England and Scotland. In May 1707

> This day was presented to Her Ma^{ty} in Councill a New Seal for Her Privy Councill, which was approved off by Her Ma^{ty} and Ordered to be made use off instead of the old Seal, which was Ordered to be Defaced.[265]

In June an order of council referring to the board of trade a petition concerning Jamaica has impression of the new seal: above a crown—with no letters at the sides, below the lion and the griffin, somewhat lower the rose

[258] The seal of the privy council of Ireland, however, continued to bear the king's letters about the crown. In 1677 the crown appears between C^{II} and R: S. P. Miscellaneous, cxcviii.

[259] Add. MS. 38861, fos. 14, 61.

[260] S. P., Ireland, cccxxx, part i. 3, 25; also *ibid.*, fos. 46, 47, 70, 71.

[261] State Papers, Channel Islands, i. 1.

[262] Board of Trade, Jamaica: C. O. 137, iii. 20.

[263] Add. MS. 38861, fo. 78.

[264] Board of Trade Papers, C. O. 28, vii. 72.

[265] P. C. R., lxxxi, 20 May 1707.

and the thistle, the inscription SIGILL: PRIV: CONCIL underneath.[266] Two years later such impression appears on a council order referring to the board an address from the assembly of Barbados.[267] In 1713 it is on a council order referring a petition.[268]

It would appear from other impressions, many partly obliterated now, that this same seal continued for some time to be used, with no order apparently for another seal when a sovereign came to the throne. In 1723 it seems to have been used on an order of the privy council repealing three acts of Jamaica.[269] Five years later it was on a council order for the appointment of a new bailiff in Guernsey.[270] The same year it was on a council order for a certain one to be dropped from the council of Jamaica.[271] In 1736 it was put upon the copy of a council minute about the treaty of marriage between the prince of Wales and the Princess Augusta of Saxe Gotha.[272]

It may be of interest to add that at the present time the seal of the privy council has the crown—with no initials at the sides—over the thistle, rose, and shamrock, flanked by the lion and the griffin, under which is the inscription SIGIL PRIV CONCIL, while around the border runs another inscription, GEORGIUS V: D: G: BRITANNIARVM OMNIVM REX F: D: IND: IMP:

Formally the first member of the privy council and presiding officer in the absence of the king was the lord president of the council, though he was not the principal official in the council, appearing always in the list of council members after the archbishops and the lord chancellor or the lord keeper. Following successive intervals

[266] C. O. 137, vii. 52.
[267] C. O. 28, xii. 21.
[268] C. O. 137, x. 28.
[269] *Ibid.*, xlvi. 40.
[270] S. P., Channel Islands, iii, 15 August 1728.
[271] C. O. 137, xlvi. 54.
[272] S. P. Foreign, Treaties, dli, 4 March 1735-6.

the office was formally revived with the reform of the council in 1679. In addition to thirty members, the council, Charles II declared, would thereafter contain among others, "A President of the Councill whenever he shall find it necessary." [273] Immediately the earl of Shaftesbury "was by his Ma^{tyes} speciall Comand sworne Lord President of his Ma^{tyes} Most Honble Privy Councill." [274] In the political oppositions that engrossed this time, Shaftesbury was presently dropped from the council. In October 1685 Halifax, who, after the earl of Radnor and then the earl of Rochester, had also held the position, was likewise removed. A little later, in a council of the king and twenty-six, James II "was pleased to Declare . . . that Hee found it requisite to make a President of the Councill, and that Hee thought the place agreed well with that of Secretary of State." Accordingly, Sunderland was appointed to both these positions.[275] The lord presidency was regularly filled after this time, but generally it was not in itself a position of very great importance. On the one hand the privy council was continually declining and with it the importance of the work there transacted. On the other hand the number of meetings of the council diminished as so much council work was done elsewhere, while at the meetings held the king himself was present much more often than had once been the case. Furthermore, a great deal of business came down from the king through the secretaries of state, whose functions tended to enlarge. Yet, within the jurisdiction that remained the lord president was first officer of the privy council, and the presiding officer when the king was not present, while he presided at many meetings of committees, especially committees of the whole council. He called the meetings of the council, and orders of the council, before they were

[273] P. C. R., lxviii, 21 April 1679. [274] *Ibid.*
[275] *Ibid.*, lxxi, 4 December 1685.

issued, were to be read by him, or, in his absence, by one of the secretaries of state. "My Lord President", a correspondent wrote in 1680, "upon the arrival of these fellows called yesterday a Council, and being at Windsor when notice of it came to me, the King commanded me from thence immediately to attend it, the result of which you see by the enclosed." [276] In 1688 James II directed "That all Orders made in Councill, before they are issued, Be perused by the Rt Honble the Earle of Sunderland, Lord President of the Councill & Principall Secry of State." [277] Besides the lord president the most important and active members were as a rule the secretaries of state, who were increasingly of greater real importance than the lord president himself. In 1706 an ambassador of Venice declared that the president and the two secretaries gave direction to business, the greater part of it passing through the secretaries' hands before being brought to the council.[278]

[276] The earl of Ossory to the duke of Ormonde, 8 May 1680: *Ormonde MSS.*, new series, v. 315.

[277] P. C. R., lxxi, 4 February 1686-7.

[278] "Il presidente, e li due segretarj di stato danno moto, e direzione alle cose; quello considerato in grado di uno delli nove grandi officiali della corona, questi come principali ministrj dispacciano promiscuamente le materie, e gl'interessi della nazione, che per la maggior parte passano per le loro mani prima d'introdursi nel consiglio." Mocenigo, Relazione d'Inghilterra: Venetian Transcripts, cxii, anno 1706.

CHAPTER XIX

PRIVY COUNCIL, KING, PARLIAMENT AFTER 1679

IN THE latter part of the seventeenth century and then throughout the eighteenth the activity of the privy council diminished with potency constantly waning. Important affairs were then usually considered and decided in that committee of the privy council which had monopolized the council's principal jurisdiction and was coming more and more to be known as the cabinet council. A vast and increasing amount of routine and detail was dealt with in the developing departments. What remained to the privy council was mostly transaction of unimportant routine or of business relating to the plantations and to outlying possessions. As time went on even most of this was usually dealt with in committees of the council, especially in the committee of the whole privy council; and it is in the history of committees rather than the council itself that much of the business of the eighteenth century privy council must be studied. Otherwise its work was confined to formal approbation or registering of state decisions that had been made elsewhere, such as the summoning or ending of parliament or convocation, approving declarations or proclamations, issuing orders, naming sheriffs, all of which had usually been already decided by the monarch or the ministers in control. In respect of this formal sanction the privy council was never superseded, and its work was indispensable. Nevertheless, account of council work in this later time is of decline and diminishing importance.

Yet the declension of so great a thing could not fail to seem slow, and for a long time contemporaries scarcely

perceived it. Formally the powers of the council were not diminished, and for the most part transference of its power and activity was gradual and silent. No law destroyed any of its jurisdiction after the statute that abolished Star Chamber. No royal declaration abridged its power. On the contrary, it continued to be formally acknowledged as the principal council of the realm, while the cabinet, which was taking its power, was never formally recognized and often was regarded as illegal. All through this time the status of cabinet councillors was legally no more than membership in the king's privy council, of which the cabinet had come to be the great, but increasingly informal, committee.

So it was that they who were not exactly versed in contemporary English political organization, and a greater number who disapproved of what had come to be and lauded what was obsolete but legal, continued for many a year to describe the privy council as once it had been, declaring it to be the foremost conciliar body in Great Britain. "For the Civil Government, the Council is the soul of all", said a member of the house of commons in 1692.[1] In 1757 the writer of a pamphlet said:[2]

> The Council of State in this Kingdom, as well as in all well-regulated Monarchies, ought to be considered as the high Watch-Tower, from which the Sovereign may survey all his Dominions, and also the Dominions of other Powers, in order to consult his own Honour, and the Defence, Profit, and Peace of his Subjects, which, as was before observed, can only be effected by reporting to the Crown the Course of the great Offices, and of those employed in the Service of the Crown therein; and likewise by the Principal Secretaries of State's preparing Lists of Public Business to be laid

[1] Grey, *Debates*, x. 266.

[2] *The Fatal Consequences of the Want of System*, etc., p. 36.

before the Crown; and after the Pleasure of the Sovereign is known thereupon, if needful, to lay the same before the Council-Board.

Foreign observers were often better informed. In 1687 information sent by a French emissary to Paris declared that in the privy council of England only minor matters were dealt with and that affairs of state were introduced there only after being resolved on in the secret council.[3] Shortly after, the French representative sent back a communication about English affairs. He said that Lord Castlemaine had just been made a member of the privy council, an employment more honorable than considerable, for only things resolved on in the cabinet were proposed there. Yet the privy council was the necessary council established by the laws of the state. Whenever parliament was assembled it generally renewed the affirmation that the king ought not to have any other council. He declared, recalling doubtless the promise of 1679, that the council ought to be composed of two archbishops or bishops, two dukes, two marquises, two earls, two viscounts, two barons, four members of the house of commons, the princes of the royal blood, and the great officers of state. While the king was wont to promise parliament that he would have only the privy council, he always had that of his ministers and other persons whom he wished to call.[4] Another despatch said that the privy council was called the necessary council. It contained from thirty-

[3] Milord Rochester mène une vie retirée, il est presque toujours a la campagne, il vient quelquefois au Conseil Privé qui se tient tous les quinze jours a Hamtoncourt, on ne parle dans ce Conseil que des affaires des particuliers, et on y propose seulement les affaires d'Estat lorsqu'elles sont résolues dans le Conseil secret et qu'il ne s'agit plus que d'en signer les expéditions." Letter of — to M. de Seignelay, Windsor, 21 July 1687 (N. S.): Transcripts from Paris, clxxi. 87.

[4] Report transmitted from London, 9 October 1687 (N. S.): *ibid.*, clxxiii. 56 ii.

six to forty councillors. To it were brought petitions. Ordinarily resolutions were declared in it only after they had been taken in the council of the cabinet or in another even smaller which the king held with some of the ministers whom he most trusted.[5] According to another description forwarded to Paris about the same time, the king of England was obliged by the laws of the realm to have a council in which were brought forward all the affairs of the government of the state. Ordinarily it was held once a week, the king being present. The informant adds, however, that when the king had come to decision in his apartment—the cabinet—with the ministers there assembled, for the sake of form he declared the resolution to the privy council.[6] In 1706 the Venetian representative reported that much of the government of England was carried on by the queen through her privy council, of which the members were distinguished for nobility, reputation, or riches. The number of the councillors and the kind of business dealt with there depended altogether upon the sovereign's will.[7] In 1712 the duke d'Aumont said that in the privy council were regulated domestic affairs, matters relating to parliament, proclamations,

[5] Communication of 27 October 1687 (N. S.): *ibid.*, fo. 64.

[6] "Le Roy d'Angleterre est obligé par les loix du royaume d'avoir un Conseil dans lequel on propose touttes les affaires qui regardent lè gouvernement de l'Etat. Les placets que l'on présente au roy y sont rapportez et le Conseil est appellé Conseil Privé. Il se tient ordinairement une fois la semaine et le roy d'Angleterre y assiste. Lorsqu'il a pris quelque résolution dans son appartement avec les ministres qu'il y appelle, il la déclare pour la forme a ce Conseil." Transcripts from Paris, clxxiv. 136 ii.

[7] After mentioning Prince George of Denmark and his council of the admiralty: "Nel resto il governo pulitico si esercita dalla regina con il mezzo del suo consiglio privato, che per il numero, e la qualità delli sogetti dipende dalla sola disposizione della Maestà Sua. Vengono in questo . . . quelli che si distinguono per nobiltà, per credito, e per ricchezze." Alvise Mocenigo, Relazione d'Inghilterra: Venetian Transcripts, cxii—the pages not numbered.

and appointments—describing thus the real and the merely formal work of the council. He added that it was in the cabinet council that the most secret things were transacted.[8]

Englishmen well versed in the affairs of their government had long understood the situation. At a meeting of the privy council in 1681, at which the king was not present, Lord Fauconberg, one of the members, objected to a motion for leave to transport certain firearms to Maryland. Then with much concern he spoke of the intended sale to the French king of some great guns made according to an invention of Prince Rupert. This, he said, was dangerous to England. The prince answered that his invention was valued abroad, not at home, that the act of parliament forbidding such sale would expire in the following month. The secretary of state, who narrated the occurrence, wrote:[9]

> This discourse of My Lord Faulconberg was taken up by My Lord Privy-Seal with much earnestness, and he was pleased to fall upon the Secrys of State, for that they did not communicate to the Council those matters of importance, that the Peace of the Kingdomes and the Repose of Christendome did depend upon; or to that effect, saying that they came thither to hear News & Causes.
>
> Hereupon I took the liberty to assert, that it was the Duty of the Secrys soe to manage those Corresponies [sic] tht his Maty should direct, that he should have a constant & punctual account of it; but that they were not at liberty to carry any part of their Intelligences to the Council, unless his Maty directed it specially soe to

[8] Quoted in Felix Salomon, *Geschichte des Letzten Ministeriums Königin Annas von England,* etc. (Gotha, 1894), p. 352.

[9] The secretary of state to the earl of Conway, 5 October 1681: S. P. D., Entry Books, lxii.

be done; that I for my part had allwayes Govern'd myself by that Rule, because I thought it a Duty that lay indispensably upon me.

My Lord was pleased to reply, that Mr Secry's answer was such an answer as never was offer'd by a Secry to a Privy Council before; however that he could not find fault with the Answer, for it was constant to the practice of later years. My Lord Faulconberg likewise was pleas'd to allow of what I had answer'd; but found fault with the present Constitution of the Council, and confess'd tht this was not a Debate proper for this Council. There was nothing resolv'd on, but that those who found themselves agrieved with the Constitution of the Council, as now it is, might complaine to his Matty when he Return'd.

The earl of Halifax, than whom scarcely anyone then was better informed about politics and administration, records that when William of Orange took charge of the government of England, he " Had a wrong notion of the Privy Councell; thought the Govt was to reside there." Halifax says the new king was against taking more into his council. " In that hee committed a mistake. Double the number would have done no hurt, and would have ingaged men of quality." [10] William doubtless thought of a small, effective council. This he was presently to find in England in the cabinet or " the committee ". Halifax, who knew them all and had part in them all, was thinking of a privy council as large as one wished since it dealt only with formalities and with routine.

Some there were who held to the old-fashioned view that the privy council was active in important work, and who resented its supersession by " the committee ". On

[10] Spencer House Journals, 14 February 1688-9: H. C. Foxcroft, *The Life and Letters of Sir George Savile, Bart. First Marquis of Halifax*, etc. (London, 1898), ii. 204.

one occasion Mary did not go to an extraordinary sitting of the great council. At the meeting there was much discontent and objection. They were "Privy councelors establisht by Law"; they did not know why the queen should refuse them her presence. One said: "th^{t} 5. or 6. L^{ds} shutt me up & woud lett no body els come neer me".[11]

In parliament also complaint was made. In 1692 there was a debate in the commons when William asked for advice from the house. The tenor of the speeches was that ill success had followed bad advice, and that the advice had not been given by those from whom the king should have had it. "I know of no Great Council of the nation", said one, "but here and the Privy-Council, without a private Cabal."[12] "The question proposed", said another, "was, 'That the King be advised, that all matters of State be advised on in the Privy-Council; and that the management of them by a Cabal is dangerous.'"[13] Another said that deciding matters in a cabinet and not in the privy council had been much complained of in the council.[14] This speaker made it clear that while the existence of a cabinet had long been known, its outline and composition were ill understood by many:[15]

> "Cabinet-Councill" is not a word to be found in our Law-books. We knew it not before; we took it for a nick-name. Nothing can fall out more unhappily than to have a distinction made of the "Cabinet" and "Privy-Council". It has had this effect in the Country, and must have; that, in the Country, the Justices of the Peace, and Deputy-Lieutenants, will be afraid to act: They will say, "They cannot go on;" and why? Because several of them have been misrepresented, and are not willing to act; they know not who will stand by them;

[11] Mary to William, 10/20 July 1690: S. P. D., King William's Chest, vii. 91.
[12] Grey, *Debates*, x. 265.
[13] *Ibid.*, p. 277.
[14] *Ibid.*, p. 279.
[15] *Ibid.*, pp. 276, 277.

and are loth to make discoveries, unless seconded. If some of the Privy-Council must be trusted, and some not, to whom must any Gentleman apply? Must he ask, "Who is a Cabinet-Counsellor?" This creates mistrust in the People. I am sure, these distinctions of some being more trusted than others, have given great dissatisfaction. This is what I have met with this Summer; and therefore I second the Motion.

In 1694, after William had vetoed the place bill, there was another debate in the commons about the cabinet and the privy council. Sir John Thompson said: "Look upon all Miscarriages, and you may hunt them to the Cabinet; but there we must leave it, for we cannot find the hand that does the mischief . . . All Debates should be in Council; now all things are huddled up." [16] Another believed that neither cabinet nor council had advised what the king had done.[17] In 1739 in the house of lords during a debate on the convention with Spain, the duke of Argyll declared "though I am a privy counsellor, I am as unacquainted with the secrets of the government as any private gentleman who hears me." [18] He said also that once Lord Peterborough had been asked by a friend his opinion of a certain measure: "says my lord, in some surprize, 'This is the first time I ever heard of it.' 'Impossible', says the other, 'why you are a privy counsellor.'" [19] In 1741, during debate on a motion for removing Sir Robert Walpole, the duke declared that although he was one of the most honorable privy council, he was seldom present, thinking his attendance unnecessary and improper, when he found his advice had no weight, and no regard had for anything he said; he had suspected that the resolutions of the board were forestalled, and that councillors only

[16] *Ibid.*, p. 376.
[17] *Ibid.*, p. 385.
[18] *Parliamentary History*, x. 1136.
[19] *Ibid.*, cols. 1136, 1137.

gave authority and perhaps an excuse for what had somewhere else been resolved on.[20]

Generally, officials and those about court understood that the power and importance of the council had passed. There is an undated, anonymous paper of advice to the king on various subjects of administration, containing shrewd and pertinent comments that must have been made by some one thoroughly well-informed. The author was probably the marquis of Normanby. He wrote the memorandum probably about the beginning of 1695.[21] Among other things he advises:[22]

> Your Ma^ty^ will please to observe I do not propose your commanding any strict attendance at Councell; because indeed it is so numerous, as that makes it unnecessary to exact it; especially considering how many of it are as well absent as present, that being ever since Charles I^rst^ time made rather a place of honour than of use; besides that many there will think it a hardship to be kept out of the Country in summer, and some will be as unwilling to be debarred theyr pleasures here.

Yet for a long time the privy council continued to deal with some important affairs that it settled after real debate and apparently by its own decision; and at intervals, increasingly rare, it played a high and active part in the government of the kingdom. In 1661, when M. de Bordeaux, who had been ambassador from France to the Cromwells, was again appointed ambassador to England, he applied for an audience to Charles. Clarendon says the king would resolve nothing upon it until he had con-

[20] *Parliamentary History*, xi. 1103.

[21] The manuscript is assigned to 1692 in the *Calendar of State Papers, Domestic, 1691-2*, p. 543. Since, however, lords justices are suggested, there can be, I think, little doubt that it was composed at the end of 1694 or early in 1695.

[22] S. P. D., King William's Chest, xiii. 10, 10a.

ferred with the council. Being debated there it was agreed almost unanimously that to receive as ambassador one who had transacted so much to the king's disadvantage would not stand with his majesty's honor, and that it was great disrespect in the crown of France towards his majesty to send this envoy. Accordingly, he was not received.[23] In 1667, at a time when the king's affairs were in unsatisfactory state and overtures for a treaty with the Dutch had been made, the matter was first considered before the committee for foreign affairs, after which "the king thought it now time to receive the advice of his whole council-board upon this affair". The privy council being met account was given of all that had passed, "And his majesty said thereupon, 'that he had yet taken no resolution . . . but they now understood as much as he did, with reference to the state he was in both at home and abroad, and that he was resolved to follow their advice.'" [24] Ten years later, when parliament had urged the king to join an alliance against the French, the council discussed the matter at length.[25]

In 1681 there was long debate in the council with difference of opinion about whether the king should publish a manifesto of the reasons why parliament had been dissolved.[26] Of a council held later that year one of the secretaries of state wrote that a matter had just showed how necessary it was that some of the lords on whom his majesty did mostly rely should always be present where a council was sitting: certain business called up to be

[23] *The Life of Edward Earl of Clarendon . . . in Which is Included a Continuation of His History of the Grand Rebellion* (Oxford, 1857), i. 413.

[24] Clarendon, *Life and Continuation*, ii. 396, 397.

[25] "Articles in the Cowncell uppon the Divisn abt the Warr. Reasns agt a Warr": S. P. D., Charles II, cccxciv. 6, perhaps about 27 May.

[26] "Een lang debath, met discrepantie van opinien". Despatch of Van Citters to the states general, Westminster, 8/18 April 1681: Add. MS. 17677 FF, fo. 49.

considered again could not be changed because some of the important members of the council, present when decision was made, were not there for the reconsideration.[27]

At this time, as long afterwards, while important matters were usually not dealt with in the council they might be brought up there. In the latter part of the seventeenth century the work of the council had not yet come to be entirely formality or unimportant routine. In 1682 one of the secretaries wrote to the mayor of Plymouth: "It soe fell out by reason of other weightier affaires in Council, that the Subject matter of yor L$\bar{r}$e miss'd of that full debate & consideration that I wish it had hath" [sic].[28] About the same time a Paris newsletter said that the king of England's council was much divided: the supporters of the king and those who feared to be disturbed by parliament strongly against parliament being called.[29] In 1685 Halifax was put from his place in the council: "the occasion (as is reported) was his opposing some matters proposed in councill to be offered the next meeting of the parliament."[30] Three years later, at the time of the petition of the seven bishops, Burnet says that James II was prevailed on by the violent advices of Father Petre and other Jesuits. But the king, before he would bring the matter to the council, secretly engaged the concurrence of all the members. Then, after a fortnight's consultation, the bishops were cited to appear before council.[31] In 1690, when William was about to go to Ireland—the first of many occasions when the king was away from England—Mary relates that "the king told me, he would put it to my choice, whether in his absence

[27] Sir Leoline Jenkins to the earl of Conway, 5 October 1681: S. P. D., Entry Books, lxii.

[28] Letter of 7 January 1681-2: *ibid.*, lxviii.

[29] Newsletter, 9 January 1682 (N. S.): State Papers, Foreign, France, xix. This paper is, perhaps, wrongly placed.

[30] Luttrell, i. 361.

[31] Burnet, *History of His Own Time* (Oxford, 1833), iii. 220.

all should be governd in my name or if it should be left to the Privy Council with order to them to acquaint me with all things . . . I told him that the thing in effect was the same, for I being wholy a stranger to bussiness, it must be the Privy Council must do all things." [32] But if the queen records this conversation correctly William said little more than a legal formality, since in fact on this and on other occasions of his absence during the queen's lifetime, he left administration nominally in her hands but actually in the care of the cabinet council, while after her death England was administered for him at such times by collective regencies of lords justices, who were the members of the cabinet acting in the king's place when the king was away.

During the eighteenth century there are many instances of important things alleged to be decided in the privy council, and there continue to be instances of something important being done with some spirit there. In 1703, in a council of the queen and twenty-one, on the question how many men and what money and arms the queen was to furnish according to the treaty with Portugal, " Her Ma^{ty} with the Advice of the Privy Councill, is pleased to declare that she would furnish One Moyety of what is required by the said Treaty from all the Allies, vizt Her Ma^{tys} owne Third, and One Moyety of the Emperors Third part, for the Emperor, of the Men, Money and Armes, Stipulated by the said Treaty." [33] This may have been formality only. In 1713 the treaty of peace between Great Britain and France and the treaty of commerce between them were by the queen's command communicated to the council and read at the board in the presence of the queen. After which the queen with the advice of the privy council

[32] R. Doebner, *Memoirs of Mary, Queen of England,* etc. (Leipzig, 1886), p. 22.

[33] P. C. R., lxxix, 12 August 1703.

ordered the lord chancellor to put the treaties under the great seal for their ratification. The text of these treaties is written down in the register of the council.[34] This again, however, was rather formal proceeding on a great occasion, for the treaties had been arranged and resolved on under the direction of the "committee" or cabinet council. In 1751 the earl of Shaftesbury asked the duke of Newcastle to attend the council board on the following Thursday evening, when the reports from the treasury board and the board of trade were to be considered. "Tho' this comes before a Committee of Council on Plantation affairs; yet it is properly a mere matter of State, and what indeed Your Grace will perceive is necessary for the Kings Ministers to come to some determination upon immediately." [35] In 1759 the privy council heard arguments concerning captures made at sea from the Dutch. Pitt, knowing that clamor would be raised if the prizes were restored, went early to the house of commons, to mark by his not being at the council that he had had no part in the decision. The duke of Newcastle went to the council, but perceiving the politic absence of Pitt, pretended that the council chamber was too hot, and he also retired.[36]

On very solemn or important occasions the privy council was assembled as a matter of course, though what it did had, doubtless, previously been arranged by a few of the leaders. In 1685, Charles II being dead, the lords of the privy council who were in town, assembled in the council chamber to prepare the proclamation of James II—as they had done when Charles I succeeded James I.[37]

[34] P. C. R., lxxxiv, 7 April 1713.

[35] The earl of Shaftesbury to the duke of Newcastle, 13 December 1751: Add. MS. 32725, fo. 497.

[36] Horace Walpole, *Memoires of the Last Ten Years of the Reign of George the Second* (London, 1822), ii. 354.

[37] P. C. R., lxxi, 6 February 1684-5.

James II at once proclaimed that all in office at the decease of his brother were to continue until the king's further pleasure was known—as Charles I had done long before.[38] In 1718, during a debate in the house of lords on the address of thanks, Stanhope, secretary of state, asserted that in the entire affair of Sir George Byng's instructions his majesty had acted by the advice of his privy council; Stanhope was one of that number; he thought it an honor to have advised the measures that were taken.[39] This, perhaps, was no more than formal expression signifying that the principal ministers, of the cabinet, had given certain advice. In 1761, when the war was still going on with France and with Spain, George III, having decided to marry the Princess Charlotte of Mecklenburg Strelitz, wished to declare it in the privy council. He ordered a " general council " to be summoned, and wished for a full attendance. The summons indicated that the council was for urgent and important business. The duke of Newcastle objected: people would assuredly think this meant peace. None the less, messengers were sent with summons as the king desired to the lords of the council.[40]

In 1780 in privy council George III is said to have taken an important and decisive step. The Lord George Gordon riots had broken out and confusion and destruction were beginning to spread over London. The trouble did not seem serious at first, but the magistrates were unable to cope with the rioters, the troops lacked authority to act, the city was set afire in various places, and soon the direst results were feared. 7 June, a privy council was summoned to attend the King. Not only cabinet ministers but all who had a seat were asked to come. Here nothing

[38] Luttrell, i. 327. [39] *Parliamentary History*, vii. 561.

[40] The duke of Newcastle to the duke of Bedford, 2 July 1761: *Bedford Correspondence* (London, 1842-6), iii. 18, 19.

effectual was suggested; and the council was about to break up when George asked whether no measure could be recommended. The attorney general said there was but one: declare the tumult rebellious; authorize the military to act even though the magistrates should not be at hand. The king said that he would take on himself the responsibility of doing this. He bade the attorney make out the order; this was done at the table; the king signed it with his own hand; after which a proclamation was immediately drawn up. As is well known, the riots were then stopped almost at once.[41] In 1788, when the king had become insane, there was a meeting of the principal ministers at Pitt's house. One of them proposed summoning the privy council before they met parliament.[42] This was presently done.

One instance there was when the council acted with particularly important decision. Much was suspected at the time, much more has since been revealed, about the efforts and intrigues that surrounded Queen Anne in the last months before she died, of the desire of powerful interests to bring the Pretender back for the throne, and of the yearning of Anne herself that justice be done to her brother. The succession had long been arranged, but none could tell what Bolingbroke and others might do if they seized control and acted suddenly with resolution. When the crisis came at last it was the privy council that took control and carried Great Britain from one reign over into another, under circumstances more difficult than those which existed when Elizabeth died and her cousin, of Scotland, succeeded.

[41] John Adolphus, *The History of England from the Accession to the Decease of King George the Third* (London, 1840-5), iii. 144. The author says his account is based on private information.

[42] Political Memoranda of the Duke of Leeds, 27 November 1788: Add. MS. 27918, fo. 159.

Friday, 30 July 1714 at noon, at Kensington, began a privy council which was continued by several adjournments until late at night. Twenty-three of the principal councillors were present, some of the Whig leaders who were members suddenly entering after long absence, despite Bolingbroke's wishes. "Her Majesty having this Morning at Ten of the Clock been taken dangerously ill, Their Lordps mett in the Council Chamber and Considering the present Exigency of Affairs were unanimously of an Opinion to move the Queen That She would Constitute the Duke of Shrewsbury Lord Treasurer." The physicians were then called in and asked if her majesty were in condition to be spoken to. They agreed that she was. "Whereupon the Ld Chancellor, the Ld Privy Seal, the Ld Steward and the Ld Viscot Bolingbroke at the request of the Board having waited upon Her Majty to acquaint Her therewith, the Duke of Shrewsbury was forthwith Commanded to attend Her Majesty, And returned to the Board after having received from Her Majesty's hand, the Staff as Lord High Treasurer of Great Brittain; And His Grace then took the Oaths appointed, and his Seat at the Board accordingly." Then, upon considering the dangerous condition of the queen's health it was thought fit to give the following orders "for securing the Peace and Quiet of Her Majesty's Dominions": letters to be sent to lords justices of Ireland to preserve the peace in that kingdom; to the lord mayor of London to take care of the peace in that city; to the governors of the castles of North Britain to be on their guard; to the duke of Ormonde that he instruct the governors of garrisons in South Britain to be watchful; that troops be sent over from Flanders; that an embargo be laid on all shipping; instructions to be sent to various officers. The clerks of the council were ordered to attend all night. The council was then adjourned until eight o'clock the next morning.

Next day a council of thirty-eight assembled. By several adjournments it also was continued until late at night. Other and elaborate precautions were now taken with many communications and orders. Finally the council was adjourned until Sunday morning at eight o'clock. The volume of the register here ends with the memorandum that at six o'clock Dr. Shadwell having informed the clerks that her majesty could not last above two hours, the council messengers were dispatched to summon their lordships.[43]

On the morning of 1 August a privy council of six met at Kensington. The lord president informed them that the queen had died at half past seven. They then agreed to adjourn to the council chamber at St. James's. The same day a privy council of forty-four assembled at St. James's. The ministers of Hanover were admitted. A declaration of the council was read and approved for proclaiming the elector of Hanover king. The instruments, previously prepared, constituting the lords justices—the members of the collective regency that was to govern Great Britain until the arrival of the successor from Hanover—were produced and read. Then heralds were ordered to proclaim King George.[44] It was afterwards seen that during these days the best chance of the Stuart exiles had passed.[45]

A privy council was the council of the king then reigning, who had appointed it when he came to the throne.

[43] P. C. R., lxxxiv, 30, 31 July 1714. [44] *Ibid.*, lxxxv, 1 August 1714.

[45] For a detailed account also a letter of Daniel Malthus—who was in attendance on the queen—to Sir William Trumbull, London, 6 August 1714: *H. M. C., MSS. of the Marquess of Downshire,* i, part ii. 902. Long afterwards the marquis of Buckingham wrote: "Queen Anne's consent was undoubtedly never given, but only supposed, to the staff of Treasurer which the Duke of Shrewsbury brought out of her bedchamber, and you well remember, in that case, the assumption and exercise of power by the Privy Council." Letter to W. N. Grenville, 12 November 1788: *Fortescue MSS., H. M. C.,* 13th report, appendix, iii. 364.

Usually a considerable part of the privy council of a sovereign was retained in the one formed by his successor, but at the beginning of each reign there was formal constitution of a new council. In 1707 by an act of parliament to secure the succession, supplementary to the Act of Settlement, it had been provided that the existent privy council was not to end with the death of Anne or her heirs, but continue for six months more, unless sooner determined or dissolved by the sovereign succeeding.[46] In 1708 the privy council of England was succeeded by the new privy council of Great Britain. By the Act of Union the year before it was provided that after the union of Scotland and England the queen might continue the privy council of Scotland until the parliament of Great Britain should see fit to alter it or take other effectual means for that end.[47] Later, in 1707, was passed an act for rendering the union more complete. It provided that from 1 May 1708 there should be one privy council for all of Great Britain, to have the same powers as the privy council of England before the Act of Union.[48]

During all this period, the privy council was the sovereign's council, entirely dependent upon him and, in theory, at all events, completely subservient to him. Privy councillors, like officers of the household, were in court matters and formal social affairs closely attached to the king and bound by regulations of the court. In 1692, when the differences between Mary and the Princess Anne were acute, " none of the privy councill or servants to the queen are to go to Sion house, by particular order." [49]

Not only was it the theory that members were appointed and dismissed solely at the sovereign's pleasure, but the king might submit to his council only what he desired and

[46] 6 Anne c. 41: *Statutes of the Realm,* viii. 739.
[47] 6 Anne c. 11: *ibid.,* p. 571. [48] 6 Anne c. 40: *ibid.,* p. 736.
[49] Luttrell, ii. 435.

take from it only such advice as he pleased. This was also the theory that underlay and continued to underlie everything connected with the cabinet, his more important, interior council. Actually, in both cases, the power of the king was constantly being appropriated by his principal ministers, so that theory often corresponded little with actual conditions. Burnet, writing before 1710, of certain events in 1701 connected with the making of the First Partition Treaty (1698), recounts a debate in the house of lords: "Some said this was a mockery, to ask advice when there was no room for it: it was answered, the king had asked the advice of his privy council, and they had given it; but that such was the regal prerogative, that it was still free to him to follow it or not, as he saw cause." [50] He says: "they insisted most on the other side, upon the concluding a treaty of this importance, without communicating it first to the privy council." Burnet himself remarks "It is certain . . . that the king was under no obligation by law to communicate such secrets to his council, or to hear, much less was he obliged to follow, their advices." Writing a little later, he declares that "a resolution in council is only the sovereign's act, who, upon hearing his counsellors deliver their opinions, forms his own resolution." [51] At the time a pamphleteer had asserted that a treaty of alliance made by the king and sealed with the great seal might be good and valid in law and so accepted by foreign princes whether or not the treaty had been made and the seal affixed with advice of the privy council. But that, he said, made greater the offence of an officer who affixed the seal without the council's advice.[52]

[50] Burnet, *History of His Own Time*, iv. 470.

[51] *Ibid.*, iv. 467, 468, 469, vi. 25.

[52] [Sir Humphrey Mackworth], *A Vindication of the Rights of the Commons of England* (London 1701), p. 17.

Students of English constitutional development have often remarked that during the eighteenth century the king ceased attending cabinet meetings. After 1717 there are only a few instances, and they at rare intervals, where the sovereign was present in cabinet council. On the other hand, during the first half of the eighteenth century the king was present at privy council meetings more frequently in relation to the total number of meetings than in the century preceding. Doubtless this was because the number of meetings of the privy council diminished as its importance and the amount of business done in it decreased. Previously the king had attended meetings at which important announcements and great formal decisions were made. There were many other meetings of the council at which routine and preliminary matters were disposed of. Now, when so much of importance was considered and really decided in meetings of the cabinet, and when so much routine was dealt with by boards and departments, the work of the council grew less, and there were fewer meetings—largely for announcement or formal decision. The king continued to come to those at which the decisions were formally sanctioned, and they were a greater proportion of the total number of meetings than once they had been.

In 1719 the earl of Stanhope, secretary of state, wrote to the lord mayor of London: [53]

> The King having appointed a Council to meet to Morrow noon at St James's, at which the Attendance of your Lord^p^ and the Aldermen of London is desired whereof proper notice will be given you by My Lord President's Directions; His Maj^ty^ has commanded me to acquaint you with his Intention then to declare his Resolution of passing Suddenly beyond Sea and to give

[53] S. P. D., Entry Books, cxx, 8 May 1719.

you some Directions which His Majty thinks proper upon this Occasion. You will therefore not fail of coming and you are desired to give particular Notice to all the Aldermen who are in Town to attend.

About the same time Secretary Craggs wrote to the secretary of the South Sea Company that the best time for the company to wait upon the king "will be to morrow before his Majty goes to Council." [54] In 1770 in the presence of George III an order in council was sanctioned to extend the prohibition of importing cattle.[55]

The presence of the sovereign in later times was not always a mere formality, and the sovereign's approval, at least in form, was always required. In the time of Anne a memorial for the Company of Scotland Trading to Africa and the Indies has the endorsement: "The Qus Concill ar at Liberty, as at the Concill the Queen interfered not on one sid or the other." [56] When the king was abroad, as was not infrequently the case in the period 1690-1755, accounts of what was done by the regent or by the lords justices in the privy council were sent for the monarch's information by the secretary of state who remained in England to the secretary who went with the king. In 1729, when George II was in Hanover, the secretary of state with the lords justices made rough notes of how he would reply to a communication of Lord Townshend, secretary of state with the king. Among these "Heads" was: "King's approbation of what done in Council. Send the Minutes of the last Council." [57] In October 1736 Horatio Walpole writing from Hanover to the duke of Newcastle, said: "I have laid before the King Your Grace's Letter . . . inclosing, by Her Majesty's

[54] S. P. D., Entry Books, cxix, 20 November 1719.
[55] State Papers, Domestic, George III, vii, 5 October 1770.
[56] S. P. D., Anne, vi, 26 June [1705?].
[57] S. P. D., George II, xiv, 8 August 1729.

Command, the Minutes of the Business, that was transacted at a General Council, held at Kensington . . . and am to acquaint You with His Majesty's Approbation of what was proposed, and ordered by the Queen, on that Occasion." [58]

After 1660, and especially after 1688, parliament obtained supremacy over all the other organs of government in the realm. Gradually it took from the king much of the power he had used to wield, and the select ministers—of the cabinet, once entirely dependent on the crown, became, in effect, increasingly dependent on parliament or under its control. In 1706 Mocenigo, Venetian ambassador in England, wrote that the council and the privy councillors were circumscribed in authority by parliament and in some degree dependent on it.[59] Parliament was ready to blame councillors, when it was displeased with management of affairs, and ask the king to dismiss certain ones and choose others more pleasing to itself. That it did all this with respect to the privy council was in reality far less important than constant doing of it with respect to the more important privy councillors who were in the cabinet council, for it was in respect of the cabinet that ministerial responsibility to parliament and dependence of executive on the house of commons was in the end so largely accomplished. On the other hand, as previously, in the council the king sometimes strove to find means of satisfying the opposition in parliament. "It's talked in Towne", wrote a certain one in 1673, "that the King should, last councell day, just when they rise almost, tell

[58] S. P. D., Regencies, xix, 24 October/4 November 1736.

[59] "L'autorità però del conseio privato, e quella de consiglieri resta circoscritta, e dipendente in certa tal qual forma da quella del Parlamento, ch'è la suprema corte di giudicatura in Inghilterra et il gran consiglio della nazione, come quello, che ha tutta la parte nel poter legislativo, la disposizione del denaro, e la rappresentanza di tutto il popolo." Venetian Transcripts, cxii, the pages not numbered.

them he found the Members of Parliament began to shew themselves much discontented, and that therefore the next day desired a full board, to consider of some way to satisfye them." [60] In 1679 Charles II remodelled the privy council, partly for the purpose of bringing the leaders of the opposition into it.

In form during the Revolution of 1688, evil counsellors, not the king, were blamed by parliament—as had been the case when the Long Parliament assembled.[61] Next year the estates of Scotland passed an act declaring that James VII by the advice of evil and wicked counsellors, having invaded the fundamental constitution of the kingdom, had forefaulted right to the crown, so that the throne was vacant.[62] In 1694, when the house of commons was in grand committee and there was debate on William's refusal to pass the place bill, one of the members said: "I am sorry for the occasion of the Committee. I will not say any thing concerning his Majesty, only of the evil Counsellors that presumed so to advise the King." [63]

There were many attempts to procure removal of councillors from the privy council—such efforts persisting in effect, from time to time, until ministers were really no longer controlled by the king. In 1689 there was a motion in the commons for an address that the king remove the marquis of Halifax and the marquis of Caermarthen from his presence and councils. The debate was adjourned, and apparently not resumed.[64] In 1690 in the house of commons Sir John Thompson wished to make the motion: "That all those who advised the King to dissolve the last Parliament, may be removed from his Council." [65] In

[60] Henry Ball to Sir Joseph Williamson, 17 October 1673: *Letters Addressed from London to Sir Joseph Williamson* (Camden Society, new series, ix), p. 45.

[61] *Commons' Journals*, x. 1, 21.

[62] Luttrell, i. 519.

[63] Grey, *Debates*, x. 375.

[64] Luttrell, i. 558.

[65] Grey, *Debates*, x. 143.

1692, during a debate that followed William's asking advice of the house of commons, it was asserted that ministers had done ill. Mr. Foley said: "I move you to come to this Resolution, 'That the great Affairs of the Government, for the time past, have been unsuccessfully managed; and that the King be moved, for the future, to employ men of known integrity and fidelity.'" [66] Next year another member declared: "If the Privy-Council advises not the King, we must do it." [67] In 1700 there was a resolution in the commons that procuring or causing exorbitant grants by any member of the privy council was a high crime and misdemeanor; and it was "*Ordered*, That a List of his Majesty's most Honourable Privy Council be laid before this House upon *Wednesday* Morning next." Two days later a list was delivered by one of the clerks of the council.[68] Next year, the commons resolved that a humble address be made to the king to remove Lord Somers and the earls of Orford, Halifax, and Portland from his council and his presence forever, because of their part in making the First Partition Treaty.[69] Somers was impeached because, among other things, he had affixed the great seal to the ratification of this treaty without first communicating the same to the lords justices or advising with his majesty's privy council.[70]

There can be no doubt that increasingly councillors hesitated to do with respect to parliament what the king desired but what there was reason to think parliament would dislike. In June 1689 Halifax says that William complained of his privy councillors in the house of commons, not without reason. He could not get them to move for certain money. Halifax wrote in his journal: "Great allowance for slownesse in obeying orders which men

[66] *Ibid.*, p. 276.
[67] *Ibid.*, p. 332.
[68] *C. J.*, xiii, 318, 319, 320.
[69] *Ibid.*, p. 492.
[70] *Ibid.*, p. 547; *Lords' Journals*, xvi. 691.

think may be unwelcome to the Commons." [71] In 1715, the earl of Oxford, answering the articles of impeachment brought against him for his part in the Treaty of Utrecht, declared among other things: [72]

> The said Earl saith, That, during the Negotiations of the late Peace, he had the Honour to be one of her said late Majesty's Privy Counsel; and whatever Counsel and Advice he gave, relating to any Terms of the said Peace, he acted therein as a Privy Counsellor, and Minister of State, and no otherwise; and doth insist, That for any Privy Counsellor, or Minister of State, during the Negotiations of Peace, to advise, or negotiate, concerning the yielding or giving up any Town, Province, or Dominion, upon the Conclusion of the Peace, is not high Treason by any Law of this Realm; and that such Construction might hereafter deprive the Crown of the Advice and Assistance of several Members of the Privy Council, in Matters of the greatest Importance, by deterring them from giving such Advice, as, by their Oaths, and the Duty of their Place, they are obliged to do.

In the efforts of parliament to win greater control of the government, not only were particular members of the privy council attacked, but attempt was made to regulate or reform or control the entire privy council. At the same time, there were efforts as before to maintain its importance against the encroachments of the cabinet. From time to time council papers or other information were called for by parliament. In 1675, with respect to a certain matter, Sir Philip Lloyd had declared that he had delivered to the committee of the house of lords all the papers that had been read at the council or at the committee of the council.[73] In 1689, during a debate in the

[71] Spencer House Journals: Foxcroft, *Halifax*, ii. 221.
[72] *C. J.*, xviii. 311, 312.
[73] *House of Lords MSS., H. M. C.*, 11th report, appendix, ii. 5.

commons about failures in connection with Ireland, Sir Edward Seymour said: "'Tis time to enquire after these Miscarriages, and to repair to the Council-Books, for your information and satisfaction." [74] About the same time the house of lords ordered an address to the king for the minutes of the committee of the council on Irish affairs and the minutes of the privy council since his accession. The minutes of the committee were submitted.[75] In 1694, during a debate in the commons, one of the members said: "I believe there may be evil Counsellors, but who they are will be a dispute forever . . . I would propose to you, to contrive some way that the King may have a Council that both you and he may confide in." [76] Another spoke of the importance of the privy council: the former practice had been to have bills that were to be passed read and debated in the council; no parliament ought to be called without a council.[77]

The circumstances of the period of William, his well-known fondness for Dutch counsellors and favorites, his lack of sympathy, his contempt, sometimes, for English leaders and politicians conduced to strong opposition against foreign councillors, while the continued growth of the power of "the committee", or the cabinet, and evident decline of the privy council led to a last great effort to maintain the power of the council at the same time that parliament tried still further to control it. There were particular efforts to do away with unknown counsellors, to restrict conciliar work to the privy council, put the advice of each councillor on record, and hold the councillors responsible for what they advised.

"I'll tell you from whence this Grievance does proceed", said Sir John Guise during a debate on the supply

[74] Grey, *Debates*, ix. 355.
[75] *House of Lords MSS., H. M. C.*, 12th report, appendix, vi. 159.
[76] Grey, *Debates*, x. 377.
[77] *Ibid.*, p. 375.

in the commons in 1690, "that people do not own the Counsels they have given; the visible part of the Privy Council . . . In Queen *Elizabeth's* time, no man was ashamed to own his own Counsels; she had the Privy Council's advice and consent in all things." [78] Shortly after, another speaker said that it was difficult to know who the councillors were. "I have had experience how hard this has been. Heretofore none of the Privy-Council were ashamed of the Advice they gave; they set their hands to the Privy-Council Book. I propose, that, for the future, all Orders passed by the Privy-Council may be fairly entered, and that those present may enter their assent or dissent. Thus we may know, for the time to come, who gives Advice." [79] At the beginning of the seventeenth century, it had, indeed, been the general custom for councillors present at a meeting to sign the orders or communications issued from the board. For the most part the custom had gradually fallen into abeyance. It seemed especially desirable now, at a time when so much that had once been done in privy council was being done elsewhere—men suspected, in the cabinet council. In a debate in the commons in 1692 it was said that bad advice had been given to the king. There should be no cabals. One of the members asserted: "In intermissions of Parliament, Kings have consulted with their Privy-Councils; formerly they went not into lesser Cabals—Under any other notion none can be distinguished—Suppose, not well affected to the Government—There are no Books or Records to be seen, and you cannot punish them, because you have no light into their actions—I move, 'That a part of your Advice be, that the King call his Council, and that they do set their hands to their advice, or their dissent.'" [80] "I would have every Counsellor",

[78] Grey, *Debates*, x. 34.
[79] *Ibid.*, p. 142.
[80] *Ibid.*, pp. 266, 267.

said another, " set his hand to his Assent, or Dissent, to be distinguished." [81]

A decade later these ideas were expressed in the Act of Settlement. In 1701, they were dealt with in the report of a committee of the house of commons on limitation of succession to the crown: " *Resolved,* That it is the Opinion of this Committee, That all Things relating to the well Governing of this Kingdom which are properly cognizable in the Privy Council, shall be transacted there and all Resolutions taken thereupon shall be signed by the Privy Council." [82] It was resolved also that no one not a native of England, Scotland, or Ireland, or of the dominions thereto belonging, or who was not born of English parents beyond the sea, even though he were naturalized, should be a member of the privy council or of parliament, or have any place of trust, civil or military.[83] These provisions were enacted into a statute. By the Act of Settlement, which not only regulated the succession, but supplemented the Bill of Rights with various constitutional provisions, it was decreed " That from and after the Time that the further Limitation by this Act shall take Effect all Matters and Things relating to the well governing of this Kingdom which are properly cognizable in the Privy Councill by the Laws and Customs of this Realme shall be transacted there and all Resolutions taken thereupon shall be signed by such of the Privy Councill as shall advise and consent to the same." [84] This provision, which was designed to take effect on the death of Anne without issue, never went into effect, since it was repealed by the regency act passed in 1705.[85] Long afterward Lord

[81] *Ibid.*, p. 279.

[82] *C. J.*, xiii. 400, 401.

[83] *Ibid.*, p. 401.

[84] 12 & 13 William III, c. 2: *Statutes of the Realm,* vii. 637.

[85] 4 & 5 Anne c. 20: *ibid.,* viii. 502. Writing with reference to this regency act, Burnet says that the lords proposed the repeal of that clause in the act of settlement " by which the succeeding princes were

Hervey, speaking in the house of lords, said with reference to the clauses of the Act of Settlement repealed by the statute of Anne: "I believe, there is never a real patriot in the kingdom but wishes, that neither of these clauses had ever been repealed." [86] And on another occasion Pitt declared in parliament: "There is a clause in the Act of Settlement, to oblige every minister to sign his name to the advice which he gives to his Sovereign. Would it were observed!" [87] In 1701 it was also provided that after the Act of Settlement took effect, no person born out of England, Scotland, or Ireland, or the dominions thereto belonging, even though naturalized or made a denizen thereof, except those born of English parents, should be capable of being of the privy council.[88]

limited to govern by the advice of their council, and by which all the privy-counsellors were to be obliged to sign their advices; which was impracticable, since it was visible that no man would be a privy-counsellor on those terms." *History of His Own Time,* v. 234, 235.

[86] 27 April 1744: *Parliamentary History,* xiii. 726, 727.

[87] 14 January 1766: *Correspondence of William Pitt* (London, 1838-40), ii. 365, note. In the preceding year a speaker in the house of commons had said: "each privy counsellor is responsible for the advice he shall give his sovereign": *Parliamentary History,* xvi. 46, 47.

[88] 12 & 13 William III, c. 2: *Statutes of the Realm,* vii. 637.

CHAPTER XX

WORK OF THE PRIVY COUNCIL AFTER 1660

In the latter part of the sixteenth century the privy council, under the sovereign, had been the principal authority in the government of England, and in the council the more important work of the central government of England had been carried on. So it was in the first part of the seventeenth century, though by the time of Charles I there was marked tendency for the weightiest council business to be withdrawn from the privy council to the leading committee of the council, which was the committee of foreign affairs. During the Puritan civil wars the king's council disappeared. It was shortly succeeded by a number of councils designed to be more dependent upon parliament and more intimately connected with it, but becoming more and more like what the old privy council had been. With the restoration of monarchy in 1660 the privy council of the king, of which a shadow had accompanied Charles in his exile, seemed restored to the fullness of its power.

It was shortly evident, however—so much had conditions changed in the mere transition of time—that the old activity and power of the council were not to be restored. There was one notable attempt, in 1679, to make the council again what it had been; and afterwards came demands that council business be done only in the privy council, the members attesting what they had ordered. All of these efforts were fruitless, even when they were sincere. What had been so before 1640 was more marked after 1660: the greatest and most important government affairs were handled secretly in the com-

mittee of the council for foreign affairs—by outsiders called the cabinet council. In course of time this committee was scarcely more than an informal committee of the privy council; it was no longer appointed in connection with privy council business; its principal association with the parent body was that its members were privy councillors and that what it dealt with had once been the more important work of the king and his council. Thus it developed above and away from the privy council, taking with it much of the authority and importance that once the privy council had had. While "the committee" was taking away from the council consideration of foreign affairs and then management of all important matters of state, as time went on there was increasing tendency for most of the work that remained to the council to be done largely in committees of the council. Presently this went so far that excepting formality and sanction the work of the council was generally done in what had come to be "the committee of the whole council".

For some time after 1660 a great deal of what had been privy council work was done in meetings of the council. Gradually, however, the student notices that the register of the council becomes more formal and bare, recording largely what was done by ordinary committees or by the committee of the whole privy council, and it is evident that the work done in council meetings was little more than routine or ceremony of formal approbation. In the council continued to be made the orders for declarations about the summoning or proroguing of parliament or convocation; acts of parliament were approved; declarations of war were issued; treaties were sanctioned; sheriffs were appointed; instructions were given to judges about to go out on circuit; matters relating to Jersey, Guernsey, Ireland, or the plantations were dealt with. Generally, however, these things had been previously

decided or arranged in the cabinet or in a committee of the council. Hence, much governmental activity that for the earlier period would have been studied in the history of the privy council, in the later period must be sought in the history of the cabinet; while a great part of the council work remaining will appear in the records of committees rather than in those of the council itself.

With these qualifications it remains true that for any long period the work of the council concerned so great a number and variety of things that classification is difficult, and that idea of the business of the council should be sought in records of the miscellaneous work done in particular meetings as well as in various categories that may now be established.

At a meeting of twenty-three councillors in the presence of the king at Whitehall, in 1660, a committee was appointed to examine one complained of as having robbed and imprisoned certain persons; an order was issued to the sheriff of Montgomery County to arrest those accused of encouraging unlawful and riotous assemblies; a petition of the judge and advocates of the admiralty referred to the attorney general; another petition deferred; papers of information against seditious ministers in Leicestershire to be delivered to the judges on circuit; a petition and the report of the advocate general thereon were read; this and another petition denied; the attorney general to prepare a proclamation against seditious pamphlets and papers; the lord steward and the lord chamberlain to find out whether any who had formerly served Cromwell were in the king's establishment, in order that they might be dismissed; license granted to Lady Carteret to go out of the kingdom.[1] In October at a council held in Whitehall, attended by the king and thirteen, a report upon the petition of a prisoner asking for release from the Fleet

[1] P. C. R., liv, 18 July 1660.

was considered; a committee of the council appointed to consider supply of ammunition for Dunkirk; a governor of Jamaica appointed; a letter was sent to the commissioners for the government of Ireland—let them prevent seditious preaching; a letter from the king to the government of Algiers about renewal of peace and trade; a letter for the ambassador to the Grand Seignior; instructions to the consul at Algiers.[2] To a considerable extent during this year the work of the council was merely routine.

During 1662 and 1663 the council devoted much time to considering petitions; it sent many orders or communications to local officials bidding them disarm the disaffected, investigate riots, answer about election irregularities in corporations; it considered matters relating to commerce and trading companies, rivers, harbors, fortifications, garrisons; it prepared proclamations; it asked for information; it summoned people to appear before it; it committed to custody; it examined bills of parliament; it considered colonial matters, foreign matters, and also Irish affairs; it appointed committees for particular things.[3]

Five years later when it was meeting frequently at Whitehall, with the king almost always present, it considered petitions, referred matters to committees, received reports from committees, gave orders thereon or without any reports; it dealt with naval, admiralty, ordnance matters, commercial affairs, things relating to the colonies, and sometimes with foreign affairs. It had, so far as the register shows, nothing or almost nothing to do with general or with foreign policy.[4] For some time in 1678 it was not attending to much that was important. It dealt with colonial matters, referring them to the committee of plantations and hearing reports from that committee. It granted passes to ships. It attended to local

[2] P. C. R., lv, 17 October 1660.
[3] *Ibid.*, lv, lvi.
[4] *Ibid.*, lx.

matters and to administrative routine.[5] In September Charles II communicated to the council information received about the Popish Plot.[6] In the early months of the following year most of the business in the council had to do with the Popish Plot—examining, committing to prison, issuing orders against papists, or with routine—passes, colonial and local matters. In March Charles in council signed a declaration that he had never married any woman except Catherine of Braganza.[7]

After the reform of the council in April 1679 and the establishing of a new council business was in general much as before. There were proclamations and orders against popery and papists; local affairs were considered, especially matters concerning dissenters and disorders at elections; Irish and colonial affairs and matters relating to Tangier were settled; things connected with the admiralty were dealt with; supplies were ordered to be sent to garrisons; money was ordered paid out for the building of ships; there was some little consideration of foreign matters—mostly commercial treaties; some few letters were sent to foreign rulers. For the most part the business concerned administration and routine.[8] Next year things were much the same, the most striking matter being the repeated declaration of the king in council that he had not married Monmouth's mother.[9]

At a meeting of the privy council at Whitehall in 1682, attended by Charles and twenty of the members, the king ordered the attorney general to confer with the judges about what course should be taken with the sheriffs of London who refused to deliver from Newgate six condemned priests; a petition with information was read and referred; a report about the Tower of London and

[5] *Ibid.*, lxvi.
[6] *Ibid.*, lxvi, 28 September 1678.
[7] *Ibid.*, lxvii, 3 March 1678-9.
[8] *Ibid.*, lxviii.
[9] *Ibid.*

the records kept there was read and referred to the commissioners of the treasury; a letter read and order thereupon given to the governor of Barbados that certain Indians be attacked and subdued; on a report from the committee of trade, Secretary Jenkins to demand satisfaction from the Spanish ambassador for the plundering of an English ship; on report from the committee of trade the lords of the treasury ordered to pay the arrears that were owing to the governor and two companies of soldiers in St. Christopher; a petition and a report referred to the committee of trade; consideration of the export of guns postponed; a letter to Lord Baltimore, prepared by the committee of trade, read and approved; a petition was read; the committee appointed to view the records in the Tower ordered further to consider the removal of the records, then report to the council.[10]

During 1683 and 1684 the business was mostly administrative or routine, concerning the colonies, Jersey, Guernsey, and Tangier. Many reports were received from the committee of trade, and numerous petitions were considered or referred. There was much concerning local matters, especially *quo warrantos*. There was much that concerned the Irish establishment and administration. There was little about foreign or state affairs.[11] At this time the council was constantly mentioned. It still transacted much business, with debates sometimes in the course of that business. As far as its activity extended it was an executive council, as in the past. Much of its work, however, and most of the important work, was now being done in certain committees.[12]

In 1688, just before the revolution, the council was considering petitions, deliberating about the granting of patents, removing officers from town governments, issuing

[10] P. C. R., lxix, 8 February 1681-2.
[11] *Ibid.*, lxx.
[12] S. P. D., Entry Books, lxiv, lxviii.

proclamations. It undid much of its recent work after the coming of the prince of Orange. Generally it was transacting routine.[13] After the accession of William and Mary there was for the most part, as before, only approbation and formal sanction of anything important. In council the king declared his pleasure to summon or dissolve parliament and convocation; causes were heard; matters were referred to committees—as the committee for Ireland, the committee for trade and plantations, and others, and from these committees came back reports to the council; embargoes were put upon ships or taken off; sheriffs were pricked; military forces were raised to guard against invasion; proclamations were issued; colonial officials were appointed; many minor matters and affairs of routine were dispatched.[14]

During the period 1688-1702 increasingly does the work of the council appear ordinary, stereotyped, and formal. In the privy council were given the orders about summoning, proroguing, or dissolving parliament and convocation, but there was very seldom, so far as the records show, discussion of these matters or any real decision about them. There was apparently almost nothing at all about treaties, about war and peace, about any matters of policy or diplomatic relations. Privy council business had to do with formal appointment of officers; with allowing or disallowing colonial laws; with Jersey and Guernsey matters; with impressing of seamen and the movements of ships; with petitions; with Irish legislation and business; with local disorder and complaints; with many minor matters. A great deal of the business concerned Ireland, the plantations, the treasury, and the admiralty. Most of it was referred to the commissioners of the treasury, the commissioners of the admiralty, the lord lieutenant or the lords justices of Ireland, the board

[13] P. C. R., lxxii.

[14] *Ibid.*, lxxiii.

of trade, the committee of appeals from the plantations, the committee of Jersey and Guernsey—the various committees of council being now committees of the whole council, and to the committee of the whole council specifically named. A great part of privy council business recorded in the register was the hearing of reports from these various bodies. The king was generally present when he was in England. Attendance at the council declined steadily during William's reign.[15]

Some of the formal duties of the privy council for this and the earlier period are specified in a memorandum of Edward Southwell—clerk of the council in extraordinary, zealous and well-informed—written, perhaps about 1695. The note is headed:[16] "Generall things, wch allways come before the Councill to be approved &c."

All New *Establishments,* whether by Sea or Land ought to be approved off in Councill.

All *Proclamations* are order'd to be drawn up by Mr Attorney Gen^{ll} and must afterward be approved off in Councill.

All *Governors* of the *Plantations* must take the *Oaths* in Councill, of fidelity Supremacy, & for Keeping the Act of Navigation &c.

All Acts prepared by the Privy Councill of Ireland, intended to be brought in the Parliament there; must first be read and approved at the Councill Board.

The following officers, he says, were sworn in the council chamber: the lord keeper, the lord privy seal, the secretaries of state, other privy councillors, lord lieutenants, governors of plantations, the lieutenant of the Tower, governors of Jersey and Guernsey, clerks of the council, the keeper of the council chamber. Formerly also the

[15] P. C. R., lxxiii, lxxiv, lxxv, lxxvi, lxxvii, lxxviii.

[16] Privy Council Routine, 1692-1695: Add. MS., 34349, fo. 18.

treasurer of the exchequer, the lord president of Wales, the masters of requests.[17]

By the end of the reign of Anne the important work, that had been done a century before by the king and his privy council, was being done by "the committee" or the cabinet, with or without the sovereign; while a great part of all other privy council work was dealt with in council committees, especially in committees of the whole privy council.[18] By 1714 there often seemed to be little difference in respect of structure and work between the privy council and the committee of the whole council, except that during the period 1688-1714 the sovereign or the body of the lords justices were usually present at meetings of the council, but apparently never at the committees which the register records. It is not possible to state, however, as has sometimes been done, that a meeting of the councillors without the sovereign was then considered to be a committee. During the latter years of Anne and afterward there was a tendency for the council to become more and more formal in procedure; merely referring business, ratifying reports, sanctioning decisions made elsewhere. Even in the case of mere routine, by 1714 various officials, boards, or committees generally did the real work; the privy council the formal part. In meetings of the committee of the whole privy council under various names, in between the meetings of the privy council itself, councillors for the most part dealt with such work as had not been taken away by the cabinet and the departments, excluding always formal sanction, decision, and approval, which remained with the privy council.[19]

And so in the later period: the business of the privy council was formal sanction or ceremonial or the dis-

[17] *Ibid.* [18] S. P. D., Entry Books, cx, cxi, cxii, cxiii.
[19] P. C. R., lxxiii-lxxxv.

patching of routine mostly prepared in committee. In 1729, at a council at Kensington, at which were present Queen Caroline—regent, during the absence of George II in Hanover—and thirty-five members of the council, the commission appointing the queen regent was read.[20] Attendance of the active councillors at such a particular meeting was expected. On this occasion Philip Yorke asked that his excuse be presented: impossible for him to "attend her Majesty in Councill, for wch I am extremely sorry."[21]

About this time a "List of Business for the Councill" contains various matters: several things "to be Referred to a Committee"; "Two Reports of the Lords of the Committee of Council" concerning appeals were approved.[22] Another "List of Business for the Council" concerns the proroguing of parliament and of convocation, a petition of certain officials of York for leave to elect a sheriff, a request of the lords commissioners of trade and plantations that the king confirm acts passed in Virginia and a memorial from Massachusetts.[23] It is evident from such lists that privy council business now was being prepared for the council beforehand—either by the principal ministers or by the committee of council—for in the margins of the lists are notes stating what is to be done in council in respect of each piece of business: it shall be approved, or referred to a committee, or otherwise dealt with.[24] In 1736 a council of the queen and six-

[20] "Upon advice that his Majesty was safe landed in Holland, the Duke of Newcastle (by reason of Lord President's Indisposition) gave Directions for summoning this Council to meet at Kensington, And Her Majᵗʸ being made acquainted that the Lords of the Council were attending . . . came into the Council Chamber . . . The Lords of the Council standing behind their Chairs . . . After the said Commission was read, His Royal Highness, and all the Privy Councillors then present kissed her Majesty's hand." "Minutes of Council": S. P. D., Various, i, 22 May 1729. [21] S. P. D., George II, cli, 22 May 1729.

[22] S. P. D., Various, i, about May 1729. [23] *Ibid.*, 1730.

[24] *Ibid.*, 1730.

teen at Kensington dealt with several reports from the committee of the council, with various appeals, and appointments, following the recommendations of the committee of council, referring the petitions to committees.[25] Much of this for the later period can best be studied and some of it can only be properly understood in the history of the committees themselves.

In short, during the period after 1660 privy council was concerned with various tasks, in different degree that increased or diminished as time went on. It had to do with occasional consideration of important affairs of state outside of any particular category; with some participation in things relating to war, peace, and foreign relations; with matters concerning parliament and legislation; with the activities of some of the boards or departments, such as treasury, admiralty, war; with Ireland, Jersey, Guernsey, and the plantations; with a great body of local affairs; with many memorials and petitions; with the hearing of causes; with the issuing of licenses and passes; with examination of criminals and offenders; and with various miscellaneous matters.

From the beginning the king's council had been a body for the giving of *consilium* or advice, as well as for assisting in administration. As time went on advice about the greater matters was more and more given by the most important and select councillors, and by the latter part of the seventeenth century the cabinet almost always gave such advice. None the less important matters of policy or state occasionally came before the privy council for actual deliberation and decision, while on other occasions the king desired the council to be fully informed about what he was determined to do.

In 1660 a council of twenty in the presence of Charles II considered when the king's coronation should take

[25] S. P. D., Various, ii, 16 June 1736.

place, and the king then declared the day.[26] Early in 1661 a council of twenty-one together with several of the law officers was called before Charles "for declaring the certainety of the Marriage between their Royall Highnesses James Duke of York and Anne Dutchesse of Yorke his wife." The duke of York, Dr. Crowther—who had married the duke and Anne Hyde, Lord Ossory—who had given her in marriage, and a woman who had witnessed the ceremony had been questioned at the privy council.[27] A little later that year Charles told the council he would shortly communicate to them a matter of great importance. At a largely attended meeting some days after, he informed them of his design to marry the infanta of Portugal, and they without exception advised him to do it.[28]

In 1673:

> Upon a large debate this day had before his Majᵗʸ in Councell touching the Lycences formerly granted to Dissenters, and what may best Secure the Peace and good temper of his Subjects till the meeting of the Parliamᵗ when Some finall Settlemᵗ is likely to be made in this Affaire, It was moved, that if his Majᵗʸ could So interpose by his Royall Letters to the Lord Lieutenᵗˢ and others, as neither to Suspend the Lawes in force, or authorize those Lycences wᶜʰ onely depend on the Declaration that is revok'd, it might have a good effect on the mindes of all and produce the quiet that is desired.

A committee of four was appointed to agree upon the form of such a letter and present it for the king's consideration next council day.[29] Part of a morning in 1677 the earl of Anglesey says he spent "at Councel (where

[26] P. C. R., liv, 5 September 1660.

[27] *Ibid.*, lv, 18 February 1660-1; Clarendon MS. 74, fos. 132-4.

[28] P. C. R., lv., 10 May 1661; Clarendon MS. 74, fos. 378, 379; *L. J.*, xi. 244.

[29] P. C. R., lxiv, 18 April 1673.

the King and Duke of York to our great ioy communicated the intention of matching the princesse the Lady mary to the prince of orenge." [30] Next year the king told a council of eighteen that six weeks before he had had news of a conspiracy—the Popish Plot.[31] The privy council was preoccupied during the remainder of the year with this affair.[32] In 1680, with respect to sending the duke of York away into Scotland, Charles II promised that he would take the advice of the privy council. There were various debates and differences of opinion.[33] But the king and the councillors who had most credit with him deeming it best, they moved in the privy council questions which they thought would terrify the council, such as, whether the king should break parliament if it impeached the duke, so that they came to no resolution in the matter, and the king had his way.[34]

At Whitehall, one Sunday night in 1683, the king, having that afternoon called an extraordinary council, informed the twenty who came that the night before the duke of Monmouth had surrendered himself to one of the secretaries, having previously sent a submissive letter to the king; that the king and the duke of York had gone to the secretary's office, where the duke of Monmouth showed himself very sensible of his crime in the late conspiracy—the Rye House Plot, with extraordinary penitence making a full declaration and particular submission to his uncle; that upon the duke of York's entreaty the king was pleased to pardon his son; that therefore the attorney was directed to stop further proceedings against the duke

[30] Diary of the Earl of Anglesey, 22 October 1677: Add. MS. 18730.

[31] P. C. R., lxvi, 28 September 1678. [32] *Ibid.*, lxvi.

[33] "Il s'est tenu plusieurs conseils dans lesquels les advis ont esté partagés sur le sujet de Mr le Duc d'York." Barillon to the king of France, 28 October 1680 (N. S.): Transcripts from Paris, cxlvi. 337.

[34] *Memoirs of James II,* in J. S. Clarke, *Life of James the Second,* etc. (London, 1816), i. 596.

of Monmouth, but he was to proceed against the others who had conspired.[35] All this, doubtless, was no more than a declaration to the council of what the king had elsewhere decided, though the approbation of the council, perhaps its advice, was desired.

In 1687 James II, in a council of twenty-two, said he had thought fit for divers weighty reasons that parliament should be prorogued, and that he had resolved in the meantime to issue a declaration for general liberty of conscience, giving them his reasons therefor.[36] In the summer of the next year, at a council of twenty-one at Whitehall: "His Maty having this day acquainted their Lops with a Petition that he had received some time since, signed by the Arch Bp of Canterbury, and Six of the Suffragan Bishops of that Province, which had much surprised him; and that thereupon He had caused them to be summoned to attend this day; which they accordingly did, And being called in, and having heard the said Petition read, which was likewise shewed unto them, They acknowledged it to be their Petition." Then the attorney general and the solicitor general were ordered to prosecute; and the bishops declining to enter into recognizance, the king ordered them committed to prison. Both the warrant and the petition are inscribed in the council record.[37]

In 1718, "At the Court at Kensington" a privy council of twelve was held, "The Kings Most Excellent Majesty in Council." The opinion of ten judges on a question relating to George I's right in the care and education of his grandchildren was read, also the opinion of the other two

[35] P. C. R., lxx, 25 November 1683. [36] *Ibid.*, lxxi, 18 March 1686-7.

[37] *Ibid.*, lxxii, 8 June 1688; *Correspondence of Henry Hyde*, ii. 481. For an account of the questioning of the archbishop and the bishops, [John Gutch], *Collectanea Curiosa; or Miscellaneous Tracts, Relating to the History and Antiquities of England and Ireland*, etc. (Oxford, 1781), i. 347-53.

judges. The lord president gave an extract thereof to be entered in the council book, and delivered the originals to the king. The lord president further told the council that his majesty had appointed a family and a governess for the young princesses.[38]

At the beginning of the seventeenth century foreign affairs, diplomacy, negotiations relating to war and peace, had been within the jurisdiction of the king and often he had jealously reserved the management of them to himself. To some extent he had sought the advice and assistance of the privy council, but mostly when he asked for assistance he had taken it from a small group of confidants. Such was the origin of the cabinet. In the latter part of the seventeenth century foreign affairs continued to be kept from the privy council generally, the king dealing with such business in the committee of foreign affairs, which about the end of the century was known as " the committee " or the cabinet and afterwards solely as the cabinet. During all of this time, however, foreign affairs would come before the privy council. Important things already decided were brought for its formal sanction. On occasion less important foreign matters were actually decided in it.

The privy council sometimes gave formal approbation to treaties submitted to it, took part in making other treaties, and at intervals had small part in negotiation or dealing with representatives from abroad. In 1662, at a council of the king and twenty, " the Treaty betweene his Matie & the States Generall of the united Provinces was this day read & approved, And accordingly ordered to be signed by the Com^{rs} to morrow at Three in the Afternoone." [39] About the same time information having come to the board that three ambassadors extraordinary

[38] Add. MS. 21498, fos. 108, 110.
[39] P. C. R., lvi, 3 September 1662.

from the emperor of Russia were expected soon to arrive with a retinue of at least two hundred persons, the council ordered the lord chamberlain to provide suitable and convenient places for lodging and entertaining the ambassadors and their train.[40] In 1665 a treaty having been made by Sir Richard Fanshaw in Spain, it was sent to the Spanish ambassador, and he brought it to the king of England. The treaty was read at the council table, and with it much fault was found. So, the king did not sign it.[41]

In March 1667 Charles informed the states general that he would send his ambassador to Breda to treat with them. Next day he communicated this to the council.[42] The Treaty of Breda was made to some extent with the participation of the privy council. The ambassador, Coventry, was called to the board, where he recounted the negotiations and the things that remained in dispute. "The points were at large discussed in Councell, and upon the whole his Ma^{ty} wth the aduice of his Councell, did, with some slight alterac̄ons of what Mr Couentry brought, agree the Peace be concluded on those termes, and that his Ex^{cy} be returned wth all expedic̄on to finish it."[43] Shortly after, in a council of seventeen at Whitehall, the king signed the treaty. "This day the R^{t} Hono^{ble} Mr Sec^{ry} Morice presented to his Matie in Councill, the severall Treatys, agreed to by his Ambassadors at Breda, with ffrance Holland, & Denmarke, fairely engrossed, which

[40] P. C. R., lvi, 12 September 1662.

[41] Clarendon, *Life and Continuation*, ii. 205.

[42] Sir Joseph Williamson's Journal, 20 March 1666-7: S. P. D., Charles II, ccxxxi. 5.

[43] Sir Joseph Williamson's Journal, 10 July 1667: *ibid.*, ccxxxi. 35, 36. Pepys knew something of this next day: "He [Sir T. Harvy] tells me that the Council last night did sit close to determine of the King's answer about the peace, and that though he do not certainly know, yet by all discourse yesterday he do believe it is peace, and that the King had said it should be peace." *Diary*, 11 July 1667.

his Matie was pleased to signe." [44] In pursuance of the treaty an order of council was sent out for the delivery of Acadia to the French.[45]

Clarendon, afterwards summarizing the principal diplomatic events of these years, wrote that all the articles of the treaty with Portugal were debated in the privy council; that in respect of the treaty arranged with the commissioners of the United Provinces " all that was by them transacted was still brought to the council-board and debated there in his majesty's presence "; that the treaty made with the ambassadors from Sweden was considered at the council board; that the articles of the treaty with Brandenburg were debated and considered in council; that after the war with Holland began the king made a defensive league with Sweden " with the full approbation of the whole board "; that the Treaty of Breda was concluded " every particular having been debated at the council-board and consented to ".[46] When this was written Clarendon was impugning the accusations that had led to his downfall—charges of mismanagement and of doing things without the knowledge of the king and the council. In 1667, when he was impeached he had asserted in his defence that the privy council took part in negotiations about foreign affairs.[47] Elsewhere he makes plain, what is corroborated by other contemporary sources, that the important foreign matters were debated beforehand and really decided in the small foreign committee. It is evident, however, that the privy council had not lost all part in foreign affairs.

Not only was the privy council used for the conclusion of treaties, but sometimes councillors were employed to negotiate treaties. In October 1667 Charles in a council

[44] P. C. R., lix, 29 July 1667. [45] *Ibid.*, lx, 6 November 1667.
[46] Clarendon, *Life and Continuation*, ii. 568, 569, 570, 571, 579.
[47] *L. J.*, xii, 155.

of nineteen at Whitehall ordered that the lord chamberlain, the earl of Lauderdale, Lords Arlington, Berkeley, and Holles, and the two secretaries of state, or any of three of them, be a committee to treat with the French representative about a treaty of commerce with France, Lord Holles to tell the committee in what state he left the negotiations when he came from Paris. All their proceedings they were to report to the king in council.[48]

The privy council took some part in directing diplomatic negotiations and correspondence. In 1668, on report of the king's advocate, Arlington—secretary of state—was told to write another letter to the grand master of Malta asking reparations for losses to an English subject.[49] Shortly after, at a council of the king and twenty-one, the letters and the protest of Lord Willoughby concerning the refusal of the French in respect of St. Christopher having been read, order was given to Lord Arlington to prepare a letter from the king of England to the king of France demanding restitution of that part of St. Christopher yielded by the Treaty of Breda, along with reparation for the delay and punishment of the officers responsible, this despatch to be sent to the English ambassador, requiring him to ask for an answer.[50] A few weeks later, the king being in council, the lords commissioners of trade, who had been considering proposals of the East India Company about possible changes in the recent treaty with the Dutch, presented their report: "All which being debated and considered at the Boord", the king approved the proposals and ordered the secretary of state to prepare instructions for Sir William Temple—ambassador at the Hague—to insist on alteration of the treaty.[51] At another council shortly after, following serious consideration and debate, Charles by

[48] P. C. R., lx, 2 October 1667.
[49] *Ibid.*, 6 April 1668.
[50] *Ibid.*, 19 June 1668.
[51] *Ibid.*, 15 July 1668.

the advice of his councillors, ordered that Sir William Temple should on all occasions give precedence to the Prince of Orange.[52]

On another occasion the king informed a council, seventeen being present, that he understood the French ambassador was bringing overtures about places in America which by the late treaty should be delivered to England. Let Lord Arlington send a letter to the governor of Acadia not to deliver it to the French until further orders.[53] Shortly after, the king in a council of sixteen at Whitehall, ordered the secretary to ascertain how far the prince of Monaco was under the French king's protection, and that two months' time be given the prince to make satisfaction for English losses.[54] A little later, on report from the council of trade, the king in a privy council of twenty-five, ordered the secretary of state to write to Sir William Temple: in the king's name demand that the late deputy governor of Surinam be released from imprisonment, and that the cause of his imprisonment be declared to Sir William.[55] In a council of the king and twenty-three was read a memorial from the states general about a Dutch man of war detained at the Isle of Wight. Three of the council were appointed to draw up an answer.[56] In 1669 Sir Joseph Williamson says: "The treaty of Comerce wth France is still und^{r} consideration before the Councell, to be perfected fit for conferring upon wth the French Amb^{r} in ord^{r} to W^{ch} a meeting was this day held upon it by the Lords of the Councell." [57]

During 1673 the council does not seem to have participated in the negotiations leading to the Treaty of

[52] *Ibid.*, 8 August 1668.
[53] *Ibid.*, 28 July 1668.
[54] *Ibid.*, 14 August 1668.
[55] *Ibid.*, lxi, 13 November 1668.
[56] *Ibid.*, 4 December 1668.
[57] S. P. D., Charles II, cclxxi, 4 June 1669. There was a meeting of the privy council on 2 June and another on 9 June, but none is recorded in the register for 4 June: P. C. R., lxi.

Westminster. In 1678 when the Treaty of Nymwegen was being made, the privy council appears to have taken no part. On one occasion the Dutch envoys in England attended the king in the committee of foreign affairs, after which new instructions were sent to the English plenipotentiary in respect of what terms he should agree to.[58] In many cases important matters relating to war, peace, and foreign policy were not noticed in the council register, and information about them must be sought in a variety of manuscripts or in the records of the committee of foreign affairs. Often, however, the council dealt with such things as instructing the secretary of state to demand restitution from foreign courts of ships or of goods seized from English subjects.

In 1680 Charles II declared in council that he had lately concluded a defensive alliance with the king of Spain, such as he had made with the states general: he thought other princes would do the same.[59] Two years later, in a council of twenty-one at Hampton Court, a treaty of peace and commerce with Algiers "Was read at the Board and approved, and ratifyed by his Matie and Ordered to be forthwith Printed & Published." Shortly after a treaty with Morocco was similarly read and approved.[60] In 1689 in a council of the king and twenty-one at Hampton Court "certain Articles of Agreement between his Ma^{ty} and the States Generall of the United Provinces, touching Salvage, were read at the Boord & approved, and delivered to the Earle of Nottingham", secretary of state.[61]

Whether the privy council need participate or not in the making of a treaty may well seem doubtful to one who goes over the evidence that survives, and to contempo-

[58] Notice of this appears in the notes of Sir Joseph Williamson, who seems in this matter to mention the council not at all: S. P., Miscellaneous, ccxv, 21 April 1678.

[59] Luttrell, i. 48.

[60] P. C. R., lxix, 23 May, 10 June 1682.

[61] *Ibid.*, lxxiii, 14 October 1689.

raries it may be that often it seemed uncertain. Doubtless it would always have been true to affirm that these things were entirely within the king's jurisdiction; that he asked for assistance of the council if he wished it, but might, if he preferred confide only in certain chosen councillors or in none at all. Early in 1701, when there was such opposition to William in parliament because of the Partition Treaty previously made with France, the house of lords addressing the king objected, among other things, because " we cannot find that the verbal Orders and Instructions (if any were given to Your Majesty's Plenipotentiaries) were ever considered in any of Your Majesty's Councils; or that the Draught of this Treaty was ever laid before Your Majesty at any Meeting of Your Council, much less that it was advised or approved by any Council, or Committee of Council." [62] Two years later, at a council of twenty-seven held at Hampton Court in the presence of Anne, certain articles of treaties with Portugal were read. The queen had been informed that the king of Portugal insisted upon ratifying the treaties with these articles included. " Her Maty with the Advice of Her Privy Councill hath thought fitt to approve of the said Treatys "; the secretary of state to prepare a warrant for the queen's signature for ratifying the treaties.[63] Some years later the Treaty of Utrecht, after passing the lords of " the committee ", was laid before the privy council.

In 1748, when the Treaty of Aix-la-Chapelle was being made, Lord Chancellor Hardwicke—than whom no one in England probably was better informed about law, custom, and precedent—agreed with the duke of Newcastle, secretary of state, that it was not necessary to submit the treaty to the privy council. The duke of Bedford, secretary of state—with the king in Hanover, had

[62] *L. J.* xvi. 628.

[63] P. C. R., lxxix, 24 June 1703.

written to the duke of Newcastle—the other secretary, asking whether the definitive treaty was to be communicated to the privy council—as had been done with the Treaty of Utrecht, and if so, whether the secret article was to be communicated at the same time.[64] He agreed with the duke that the idea of submitting it was taken from the precedent of the Treaty of Utrecht, which was submitted, but that case was dissimilar, the treaty then having been made under different circumstances. On looking into the council books, he said, one would find that the Treaty of Ryswick was never laid before the council, and so with several other important treaties. All this had induced the king's principal ministers not to do it in the present case. There was the force of the king's warrant for ratification. It was not desirable to lay the secret article before the privy council, and it would not be convenient to lay before them the rest of the treaty without it. Furthermore, all the lords of the cabinet, which was the committee of the council for foreign affairs, were lords justices. Eleven of them had been present when the treaty and the separate and secret article were considered; all of them had given unreserved approbation.[65]

Like other important formalities, declarations of war were made in the privy council.[66] In 1702 the declaration of war against France and Spain, that marked England's entrance into the War of the Spanish Succession, was "read at the Board and Approved."[67] In 1718 "The King

[64] The duke of Bedford to the duke of Newcastle, Hanover, 27 September/8 October 1748: *Correspondence of John, Fourth Duke of Bedford* (London, 1842-6), i. 562.

[65] The earl of Hardwicke to the duke of Newcastle, 1 November 1748: Add. MS. 32717, fo. 249.

[66] "Den Coninch van Engelandt altyt gewoon is den Secreten Raedt van den Coninch te adviseren voor eenige declaratie van oorlogh." Johan Boreel to the greffier of the states general, London, 26 January 1672 (N. S.): Add. MS. 17677 PPP, fo. 379.

[67] P. C. R., lxxix, 2 May 1702.

having this Day in Council signed a Declaration of War against Spain & ordered that the same be proclaimed by the Heralds & Officers of Arms with the Solemnity, and at the places accustomed to morrow between the hours of nine & twelve in the morning, His Majty has comanded me to signify to your Grace his pleasure, That you give Directions for a Detachment of His Majty's Guards to attend the Said proclamation as has been usual on the like occasions." [68] In 1756 the declaration of war was read and approved in the privy council, as well as the draft of a commission authorizing the lords of the admiralty to issue letters of marque, and instructions for commanders of privateers.[69]

During this time the work of the privy council in connection with legislation and with parliament also was less. Long before, the king and his council had been more important in legislation than parliament itself. In the earlier part of the seventeenth century not a little of this jurisdiction continued to be held. The king with his council had much control over legislation in parliament—whether through the influence or the exertions of the councillors in parliament or through the veto power of the crown, while the bills passed in parliament continued to be subject to the council's scrutiny before the king gave his assent. Furthermore, the king, along with his council, continued to issue ordinances or orders and proclamations that were considered by some to have as much authority as acts of parliament. Finally, the king could suspend an act of parliament or dispense with an act. After the restoration, however, most of this and following the Revolution of 1688 all of it ceased. After 1660 parliament was too powerful for interference, and the monarch no longer issued ordinances or laws made in his council. For a while the king did suspend statutes or dispense

[68] The earl of Stanhope to the earl of Marlborough, 16 December 1718: S. P. D., Entry Books, cxx. 374.

[69] P. C. R., cv.

with them, but so much opposition was aroused that Charles II ceased to do it. When James II began it again that was one of the things which cost him his throne; and interference with legislation made by parliament was definitely forbidden by the Bill of Rights in 1689. The power of the crown to veto a bill made in parliament was not taken away, but no sovereign made use of this prerogative after Anne refused assent to the Scots Militia Bill in 1707. In the end participation of the council in matters relating to parliament was nothing more than agreeing to the formal orders issued for the summoning or proroguing or dissolving of parliament and to the orders to the lord chancellor for issuing of writs to the peers and election writs to the local returning officials—during the eighteenth century nothing more than perfunctory assent was given, since decision had already been made by the principal ministers and the king, and also occasional consideration of the bills passed in parliament which were awaiting the assent of the crown—this also mostly formality when assent of the sovereign was no longer withheld.

In August 1660 the king in a council of twenty-one at Whitehall gave order for prorogation of parliament.[70] In November, Charles II with sixteen of his councillors at Whitehall, " haveing taken into Consideration the time for dissolveing the p^r^sent Parlament did resolve that the dissolution thereof should be upon the 20th day of the Next month and did direct a Message to be p^r^pared in Writing to be communicated to both his houses of Parlament." [71] The next February " His Matie was pleased to declare, That the Parliament of England intended to bee called, shall beginn the Eight day of May next. And Ordered that the Lord Chancellor do cause Writts in due forme to bee timely Yssued." Shortly after the Irish par-

[70] P. C. R., liv, 31 August 1660. [71] *Ibid.*, lv, 21 November 1660.

liament was likewise summoned.[72] So also with convocation. In April 1661 the king in council at Whitehall ordered the clerks of the crown to draw up writs of summons directed to the archbishops of Canterbury and York for convocation of the bishops, deans, and archdeacons.[73]

In 1664 in a council of the king and twenty-one at Whitehall, " A Proclamation for proroguing parliam^t^ untill the 24th of November next (being this day read at the Board) the same was approved, & it was Ordered that Mr Attorney Generall do forthwith p^r^pare it for his Maties Royall Signature, that so it may passe the Great Seale." [74] In 1678 at a council of the king and nine a proclamation by the king declaring that parliament should be prorogued until the first of October following was read and approved, the proclamation being embodied in the register. A few weeks later another proclamation for further proroguing the parliament was settled in council.[75] Early the next year Charles in a council of twenty-six at Whitehall ordered " That the Right Honble the Lord High Chancellour of England doe issue a Writt for the Dissolucon of the Convocation of the Clergy, & that his Lo^p^ doe forthw^th^ issue writs for electing new Members of the said Convocation to meet with all convenient Speed." [76]

The king did not always take counsel with the board in these matters. In January 1681 the earl of Anglesey wrote in his diary: " This morning at Council his ma^ty^ declared w^thout asking (yea refusing to take) their aduice, his dredfull resolution of dissoluing the parliam^t^ and calling another to meet at oxford march. 21 ".[77] Question of the king's proroguing or dissolving parliament

[72] *Ibid.*, 13, 15 February 1660-1.
[73] *Ibid.*, 10 April 1661.
[74] *Ibid.*, lvii, 13 July 1664.
[75] *Ibid.*, lxvi, 8 August, 25 September 1678.
[76] *Ibid.*, lxvii, 5 February 1678-9.
[77] Add. MS. 18730, 18 January 1680-1.

without the privy council's advice was adverted to by a pamphleteer shortly after, when Charles had triumphed over parliament and opposition: [78]

> Now that is matter of Expedience only, not of Right; for whatever His Majesty can lawfully do with, doubtless he may as lawfully (though not in all cases and circumstances so prudently) do without, the Advice of his Privy-Council, who never claimed, that I have heard of, any co-ordinate right of managing affairs with our Kings.

In September 1689 William in council with twenty-one at Hampton Court, declared that the two houses of parliament should sit in October, and the attorney general was ordered to prepare a proclamation. A few days later at the same place in a council of eighteen, the king with the advice of his council ordered the lords commissioners of the great seal to issue writs summoning convocation of the clergy.[79] In 1698 " His Majesty was pleased on Wednesday at councill to give Order for issuing out the Writts for calling a New Parliament, which were putt under the great seale that afternoon, and will be dispatched to the severall Countyes with all expedition." [80] In 1713, Anne in a council of seven at Windsor, a proclamation for proroguing parliament was read and approved.[81]

In 1729 a " List of business for the Councill " has as one of its items that parliament is to be further prorogued.[82] In 1732 a " Proclamation for Meeting of the Parliament on the 16th of January next " was " Read to His Majesty

[78] *Reflections on a Pamphlet, Stiled a Just and Modest Vindication of the Proceedings of the Two Last Parliaments,* etc. (1683), p. 3.

[79] P. C. R., lxxiii, 19, 26 September 1689.

[80] News to Lord Ambassador Williamson, 15 July 1698: State Papers, Domestic, William and Mary, x, 181.

[81] P. C. R., lxxxiv, 18 October 1713.

[82] S. P. D., Various, i, 17 July 1729.

in Council and App^d^" [83] Next year a "Proclamation for the Meeting of the Parliament" two days later was read and approved by his majesty in council.[84] In 1735, when George II was in Hanover, the queen regent, in a council of seventeen at Kensington, ordered further prorogation of parliament and of the convocations.[85] In 1748, in a council of seventeen at the council chamber in Whitehall, the further prorogation of parliament and of the convocations was ordered again.[86]

In the earlier period, after the restoration, it would seem that the privy council devoted no little time to reading and considering bills sent up from parliament to the king. In August 1660, in a council of the king and fourteen, "This Day were read at Councill Board, his Matie being present, these severall Acts of Parliament", five being mentioned.[87] About a fortnight later, a council of the king and nineteen being held at Whitehall, the attorney general attended the board along with the clerk of the parliament, "who brought with him 13 Acts that had passed both Houses of Parliam^t^, which were read, & passed his Maties approbac̄on." [88] In December the king and ten councillors considered the important act that abolished the court of wards and liveries, tenures in capite by knight service, and purveyance.[89] At a meeting of the king and eight councillors at Whitehall in December 1661 several acts of parliament were read.[90] At another meeting some time after the clerk of parliament read twelve acts before the king and a privy council of thirteen.[91] Three weeks later the clerk read twelve more to a council of sixteen, the king present.[92] On this occasion Pepys

[83] S. P. D., George II, xxviii, 30 November 1732.
[84] *Ibid.*, xxx, 1 November 1733. [85] S. P. D., Various i, 11 June 1735.
[86] "Minutes of the Council": *ibid.*, v, 23 June 1748.
[87] P. C. R., liv, 28 August 1660. [88] *Ibid.*, 9 September 1660.
[89] *Ibid.*, lv, 24 December 1660. [90] *Ibid.*, 19 December 1661.
[91] *Ibid.*, 28 April 1662. [92] *Ibid.*, 18 May 1662.

says he went to the council chamber " where the King and Councell sat till almost eleven o'clock at night, and I forced to walk up and down the gallerys till that time of night. They were reading all the bills over that are to pass to-morrow at the House, before the King's going out of town and proroguing the House." [93] In 1664 five acts of parliament were read to the king and a council of sixteen.[94] Instances can be multiplied during the following years.[95]

Generally, it would seem, the reading of acts of parliament in the council was a ceremonial suggestive of times that were past, something become perfunctory later. In 1673 at a council of the king and fifteen held at the prince's lodgings, next to the house of peers, Westminster, " This day Mr Browne Clerke of the Parliament attended his Maty with severall Acts prepared & passed by both Houses of Parliament; And his Mats Attorney Generall then opening the Contents of each Act, His Maty was pleased to approve thereof, And imediately after in the House of Peers, (the House of Comons then attending) gave his Royall Assent in usuall manner to the severall Publique Acts following." [96]

Substantially the supervision of the council over acts passed in parliament came to an end about the time of the Revolution of 1688. Edward Southwell, writing about 1695, says: [97]

> The Clerke of the Parliament did allways bring the Acts of Parliament, to be read in Councill, before the K. came to the House to pass them: but this was left off in K. James 2d time.

[93] *Diary*, 18 May 1662. [94] P. C. R., lvii, 13 May 1664.

[95] For example, *ibid.*, lix, 17 January 1666-7; lxii, 5 March 1670-1; lxii, 21 April 1671; lxiii, 29 March 1673; lxxi, 27 June 1685.

[96] *Ibid.*, lxiii, 29 March 1673.

[97] Southwell, Privy Council Routine: Add. MS., 34349, fo. 21.

> The Privy Councill were glad hereof, because it might not seem to lye on th^m^ the advising to not pass any bill.

But occasionally thereafter it would seem that the privy council attempted to take some part. In September 1707 there were heated debates in the council about a clause in a bill proposed against popery, which rendered void all settlements made by papists within the year past, though with compensation. Sunderland and another were for it, and the lord chancellor so inclined; but owing to the persistent efforts of the attorney general and the lord chief justice an amendment was made.[98]

In the privy council under Charles II and James II were issued the orders suspending the operation of acts of parliament or dispensing with them. In 1662 in a council of the king and eighteen was issued an order to suspend an act passed until parliament should reassemble to take it under further consideration.[99] Three years later the king in a council of twenty-one, with advice of the council, suspended parts of the acts of navigation.[100] In 1672 in a council of the king and twenty-six at Whitehall another order was read and approved for dispensing with certain clauses of the navigation acts.[101]

In various other ways council and parliament were brought into relations. In 1671 a petition to the king from a woman for support from the husband whom she had abandoned because of his cruelty, was referred from the king and the privy council to the house of lords.[102] As in the period preceding the civil wars, the members of the privy council sitting in the houses of parliament

[98] Erasmus Lewis to Robert Harley, 27 September 1707: *Portland MSS., H. M. C.*, 15th report, appendix, iv. 452, 453.

[99] P. C. R., lvi, 10 October 1662.

[100] *Ibid.*, lviii, 6 March 1664-5.

[101] *Ibid.*, lxiii, 10 May 1672.

[102] *L. J.* xii. 462.

were the principal means of communication between the respective houses and the king. In 1677 an address to the king passed in the commons. "The members of the Privy Councell were then desired to inquire when his Majesty would be pleased to admit the House to attend him." [103] In 1689 the commons resolved that the humble thanks of the house be returned to the king and the queen "by such Members of this House as are of the Privy Council" for their majesties' gracious answer.[104] About the same time, when the commons decided to ask about the treaties with Holland, it was ordered "That such Members of this House as are of his Majesty's most honourable Privy Council, do acquaint his Majesty with such the Desires of this House." [105] Shortly after, one of the members reported to the commons, that he, with others of the privy council, had, by order of the house, attended the king with the commons' address, asking what naval force the United Provinces were to furnish during the summer.[106] Another day the comptroller informed the house of commons that he with others of the council had presented their address to the king, asking permission to inspect the council and the treasury books bearing on collection of excise and customs, from the death of Charles II to the first parliament of his successor; that William consented.[107]

In 1738 the duke of Newcastle, secretary of state, wrote to the lord president of the council: [108]

> I send Your Lord^p herewith a Copy of an Address of the House of Commons, desiring that Copies may be laid before Them, of the several Applications made to His Maj^ty for Warlike Stores from any of His Maj^ty's

[103] Andrew Marvell to the mayor of Hull, 26 May 1677: *Works*, (London, 1776), i. 332.
[104] *C. J.*, x. 30.
[105] *Ibid.*, p. 63.
[106] *Ibid.*, p. 203.
[107] *Ibid.*, p. 224.
[108] S. P. D., Entry Books, cxxx, 16 February 1737-8.

Plantations in America, together with an Account, how far the same have been granted, That Your Lordp may receive His Majty's Pleasure for laying before the House such of Them, as are in the Council Office.

In 1741, during a debate in the lords on a motion for Admiral Vernon's representations for more ships, Lord Gower proposed that a secret committee be appointed of such members of the house as were of the privy council, with directions to report nothing that ought to be concealed.[109]

As in time past, the privy council was busied with many things concerning the army and the navy. There was, however, in this later period, less of it than before, since increasing definition and specialization of function were gradually causing better organization of war and admiralty departments, and by these boards was done much work formerly transacted in the privy council. Increasingly, such matters that had to do with military or with admiralty affairs as came before the privy council were by the council referred respectively to the appropriate departments; and if further action was taken in the council generally it followed the recommendations of these boards.

In 1660, in a council of the king and twenty-three, Secretary Nicholas said that he had received from the governor of Kingston upon Hull a letter about the ruin and decay of the fortifications there, asking that timber felled in Sherwood Forest might be granted to repair them. Ordered that the matter be investigated further and considered.[110] In 1661 money was to be paid for supplies for the king's forces in Flanders.[111] A little later the council ordered provisions for Tangier.[112] In 1662 the king in a council of twenty-one ordered a license granted

[109] *Parliamentary History,* xi. 1016.
[110] P. C. R., liv, 8 August 1660.
[111] *Ibid.,* lv, 15 March 1660-1.
[112] S. P. D., Charles II, xliii, 27 September 1661.

to Lord Castlehaven to raise five or six thousand volunteers in his majesty's dominions for service in the army of any friendly prince.[113] In 1666 Charles in his privy council ordered the release of such Dutch prisoners as would settle in England and undertake the manufacture of linen.[114] Shortly after in another meeting proposals offered by the duke of York concerning exchange of prisoners were approved.[115] At this time the council was directing all sorts of matters relating to the war with the Dutch: dispatch of troops, distribution of provisions and stores, fortification of towns, exchange of prisoners, and other things.[116]

In 1668, in a council of the king and twenty-two, a letter was sent to the commissioners for the office of master of the ordnance to deliver gunners' stores to the frigate *Oxford* sailing for Jamaica.[117] In 1706, in a council held at Kensington in the queen's presence, it was ordered " by Her Maty with the Advice of Her Privy Councill " that the officers of the ordnance should deliver a certain quantity of powder for the duke of Savoy.[118] In 1731 a privy council held at Whitehall considered military operations.[119]

Naval and maritime matters occupied the council's attention more largely. In 1664, on report of the committee for the affairs of the admiralty and the navy, the king, in a council of sixteen, commanded the lord high admiral forthwith to give order to the subordinate officers for an embargo on all vessels.[120] Shortly after an order of council was issued to grant letters of marque for general reprisal against the Dutch.[121] A week later, on

[113] P. C. R., lv, 2 May 1662.
[114] *Ibid.*, lix, 18 May 1666.
[115] *Ibid.*, 16 November 1666.
[116] *Ibid.*, lix.
[117] *Ibid.*, lx, 8 July 1668.
[118] S. P. D., Anne, vii, 2 May 1706.
[119] S. P. D., George II, xxiii, 30 June 1731.
[120] P. C. R., lvii, 28 October 1664.
[121] *Ibid.*, 16 December 1664.

report from the committee for the admiralty and the navy, order in council was given for the impressing of seamen.[122] In the following February "Rules & Directions" were appointed by his majesty in council to be observed by the high court of admiralty in the adjudication of prizes.[123] During this and the following year many orders were given from the council to various navy, admiralty, and ordnance officials, frequently on recommendation of officials in these departments. The council also considered and dealt with numerous petitions and representations about prizes, ships detained, goods seized, and similar things.[124] In 1666 on petition from certain persons in Southampton that a ship might sail to the plantations notwithstanding the embargo, the council ordered the duke of York, lord high admiral, to grant a passport for the vessel to sail.[125] Somewhat later the king, in a council of twenty-four at Whitehall, ordered that the duke of York be authorized to cause warrants to be issued to the victualler of the navy to make speedy provision for 35,000 men for the year. The lord admiral was to direct the commission of the king's navy to prepare an estimate of the charge thereof, and send it to the privy council.[126]

The council continued its supervision over the officers who administered the admiralty and the navy. "Yesterday were sum̃oned before the Councell the Officers of the Nauy to give an account in what state the Gr̃all Accompts of the Nauy & how ready they were to be offred to the Parliam^t^ at their next Session."[127] In 1668 "Instructions for Sr Thomas Allen Com̃ander of the Fleete goeing to the Streights, were this day read at the Board & ap-

[122] *Ibid.*, 23 December 1664.
[123] *Ibid.*, lviii, 22 February 1664-5.
[124] *Ibid.*, lviii.
[125] *Ibid.*, lix, 30 May 1666.
[126] *Ibid.*, 23 November 1666.
[127] Sir Joseph Williamson's Journal, 26 September 1667: S. P. D., Charles II, ccxxxi. 59.

proved." [128] In July, the king present with twenty-three of the council, a proposal from the commissioners of the navy was read. Whereupon order: the whole expense of the fleet for the present year to be borne upon the £ 300,000 granted by the late act, except the winter guard, which was to be paid out of money intended for the ordinary expense of the navy.[129]

Not a few orders were resolved on in council concerning the movements of fleets and ships of war. In April 1668 the duke of York, desiring the king to declare his pleasure about the disposal of his ships in the West Indies, Charles ordered in council that the duke be authorized to issue some speedy and effectual orders for recalling the six frigates there, to be employed about England.[130] Frequently the lord admiral proposed matters in the privy council, and the king gave orders accordingly thereupon.[131] In the summer of 1668, on proposal of the commissioners of the navy, it was ordered that four ships should be added to the squadron destined for the straits.[132] Shortly after, the judge and officers of the admiralty were bidden to send to the council the papers relating to a certain ship, concerning which previously there had been question in the council several times.[133] About the same time the king in a council of twenty-eight ordered the lord admiral to send two months' provisions to the Mediterranean fleet.[134]

In March 1672 matters relating to naval affairs were considered by the king in council: let a commission be prepared for the duke of York to grant letters of marque and reprisal against the Dutch, and a commission for the court of admiralty to adjudge and condemn the

[128] P. C. R., lx, 10 January 1667-8.
[129] *Ibid.*, 1 July 1668.
[130] *Ibid.*, 29 April 1668.
[131] For example, the disposition of certain ships' crews: *ibid.*, 3 June 1668.
[132] *Ibid.*, 1 July 1668.
[133] *Ibid.*, lxi, 16 October 1668.
[134] *Ibid.*, 25 November 1668.

prizes.[135] A week later the duke proposed that ships be hired for transporting provisions; the king in council authorized him to do so.[136] Orders were also issued for manning the fleet, and a little after letters were sent out from the council to local officials bidding them assist in pressing seamen for the fleet.[137]

In December 1671, Charles had ordered victuals prepared for 23,000 men to serve in his fleet for eight months. The following March the lord admiral represented that in view of the increase of the fleet beyond what was intended at first, additional supply of victual for 5,000 men was required. Ordered by his majesty in council that the duke be authorized to direct the victuallers of his majesty's navy forthwith to provide sea victuals for 5,000 men for eight months.[138] Some weeks later rules to be observed by the admiralty court in adjudication of prizes were read and approved by king and privy council, and ordered sent to the high court of admiralty to be put in execution.[139] The same day the lords commissioners for prizes presented to the king in council instructions for those to whom letters of marque were granted. The instructions were read and approved, and being signed by the king they were to be registered in the high court of admiralty.[140] During this year a vast amount of correspondence, numerous reports and letters of information, about ships and shipping, concerning the whereabouts of ships of war, of the coal fleet, about the movements of Dutch ships of war, and like matters, were addressed to Sir Joseph Williamson, clerk of the council.[141]

In 1675, in a council of the king and twenty-three at Hampton Court, the commissioners of the admiralty

[135] *Ibid.*, lxiii, 22 March 1671-2.
[136] *Ibid.*, 29 March 1672.
[137] *Ibid.*, 29 March, 10 April 1672.
[138] *Ibid.*, 29 March 1672.
[139] *Ibid.*, 22 May 1672.
[140] *Ibid.*
[141] S. P. D., Charles II, cccxii-cccxxi.

proposed rules better to prevent the fraudulent procuring of passes for ships. Charles approved, and ordered the rules put into effect.[142] In 1690 Nottingham, secretary of state, wrote to the lords of the admiralty, that he had the last council day moved the king for directions about Irish prisoners, but his majesty had given no order therein. "Of my selfe I cannot signify his pleasure to you . . . matters of this kind should rather be represented to the King by such of y^r^ owne Members as are of the Privy Councill." [143] In the next year Godolphin wrote to William that the queen in council had just desired a loan from the City of London for paying the seamen.[144] In 1692, according to Luttrell, eight lords of the privy council came to Portsmouth; they went on board with Admiral Russell at Spithead; matters of moment were settled and order given for certain ships of war and certain transport ships to sail again with the first fair wind.[145]

In 1739 the secretary of state wrote to the mayor of Bristol that his communication about protection for the market boats passing to and from Bristol had been received. "I have taken care, That It should be immediately laid before the Lords of His Maj^ty's^ Council from whom any Directions in Affairs of this Nature must come; and you may be assured, that this matter will be forthwith taken into Consideration, and such order given in it, as the Lords of the Council may think the Nature of the Case shall require." [146] "To day" said Sir John Norris in his journal in 1740, "his Magesty had a Counsell at St Jameis and gaue his aprobation . . . for passing a priuie sele upon the representation of the Commiss^r^ of the Admiralty upon application to them for the selling old

[142] P. C. R., lxiv, 21 July 1675.

[143] Letter of 15 November 1690: S. P. D., Entry Books, xcviii. 227.

[144] Letter of 20 February 1690-1: S. P. D., King William's Chest, viii. 179.

[145] Luttrell, ii. 530.

[146] S. P. D., Entry Books, cxxxi, 28 June 1739.

stores and sum ships." [147] That year "Their Lordships taking into their Consideration the Proposal, intended to be made by the Lords Comm^rs of the Admiralty, for taking off the Embargo, have directed Enquiry to be made, from the Council Books, & the Books of the Admiralty, into what was done, in Queen Anne's Time, by the Admiralty, upon taking off the Embargo." [148]

There was much less management of financial affairs, of taxation and collection of revenue, and of disbursing expenditures by the privy council during this period than there had been before the downfall of Charles I, when king and council strove to govern without parliament, and when treasury organization was less differentiated from the privy council. After 1688 what had remained for the most part ceased. In 1662 a council of nine ordered the lord high treasurer and the customs officials to see to it that parts of the navigation act lately violated—according to information received, should be enforced.[149] Next year in a council of the king and nineteen at Whitehall, seven councillors signed bills to pay for washing his majesty's bed linen.[150] In 1667 the king and nineteen of the council considered proposals about regulation of the customs, and made decision about them.[151] From time to time in privy council Charles II gave orders about the payment of pensions.[152] In 1668, the king in council with thirteen at Whitehall, "Whereas the R^t hono^ble the Lords Com^rs of the Treasury did humbly offer to his Ma^ty the 28th of October last a Proposall for assigning & distributing his Ma^tys whole Revenue for the Expences of one year . . . Upon serious Consideration, his Ma^ty was pleased to declare his Approbation thereof", with certain altera-

[147] Add. MS. 28132, fo. 150.
[148] S. P. D., Various, ii, 10 April 1740.
[149] P. C. R., lvi, 15 August 1662.
[150] *Ibid.*, 10 April 1663.
[151] *Ibid.*, lx, 2 October 1667.
[152] For example, *ibid.*, lx, 8 July 1668.

tions, and order was given that the plan be put into effect.[153] Shortly after, in a council of the king and twenty-three at Whitehall, bills of allowance to the lieutenant of the Tower for safe keeping of prisoners, being presented to the board, were approved, and signed by eight of the lords.[154] In 1669 the commissioners of the treasury were ordered to "finde out some way to Pay 40000^{li} due to Sr Robert Vyner."[155] In 1676 a council of the king and twenty-three considered the royal expenditures and arranged the scale of payments to certain officials.[156] In a "List of Business for the Councill" about 1746, among other things several matters are to be referred to the treasury, the lords commissioners for trade, and a "Committee of Councill".[157]

[153] P. C. R., lxi, 23 November 1668.
[154] *Ibid.*, 16 December 1668.
[155] *Ibid.*, 5 February 1668-9.
[156] *Ibid.*, lxv, 10 March 1675-6.
[157] S. P. D., Various, v. 223.

CHAPTER XXI

LOCAL REGULATION, PLANTATIONS AND ROUTINE

After 1660 the privy council, as before, attended to much that had to do with local matters, Ireland, the Channel Islands, and outlying dominions. In the eighteenth century Irish and colonial business came to be the principal things with which the council was concerned. During that time, however, such business was managed very largely in committees, especially in the committee of the whole privy council.

Respecting local affairs the council dealt with a great variety of matters. Numerous communications were received from local officials and a great many orders and replies were sent to them in return. Sheriffs and other local officers were appointed, formally, at least, in the council. Judges about to go on circuit received instructions there. The council frequently issued orders about matters in London. A great variety of miscellaneous business had attention.

Many directions and commands were given to county officials, who as constantly sent up information or replies. In 1661 letters were ordered to the sheriffs of the several counties that the king would allow a general collection for relief of distressed Protestant churches in Lithuania.[1] In 1662 instructions, which remain written out in the register of the council, were transmitted to the lord lieutenants of the counties of England and Wales.[2] About the same time, in a council of the king and eighteen at Hampton Court, a letter was directed to be sent to the high

[1] P. C. R., lv, 28 August 1661.

[2] *Ibid.*, lvi, 6 July 1662.

sheriff of Gloucestershire that he take care to have all tobacco growing there "burnt plucked up & utterly destroyed," the order being signed by ten of the lords.[3] In 1663 one in Sussex wrote to the clerk of the council concerning certain dissenters and various matters: "It were very necessary th^t an Order from his Maties Privy Counsell were sent downe to the Deputy Leifeten^ts and the Justices what they shall doe in assistance of the honest party."[4] In 1668 a letter from the sheriff of Northumberland complained of assault and high affront done to him by two popish recusants. Charles in a council of twenty-one ordered letters to the justices of the peace requiring them to take security for the appearance of the offenders at the next assizes, and directed the judges to proceed against them.[5] About the same time letters were despatched to the sheriffs from the king in council signifying his pleasure that no person be admitted to hold office in any corporation save according to the act of parliament.[6] Next day letters went from the council to the lord lieutenants of the counties enjoining them to see to it that corporations did not readmit to office persons formerly displaced.[7]

Many communications and orders were sent to justices of the peace, to borough officers, and to various officials about borough affairs, and numerous letters and petitions came up to the council. In 1660, the king present in a council of fifteen, a letter was despatched to the lord lieutenant of Lancashire concerning trouble about the election of a mayor at Wigan. At the same time another letter was sent to the justices of the peace in the county of Montgomery bidding them proceed against seditious

[3] P. C. R., lv, 13 July 1662.
[4] S. P. D., Charles II, lxxxi, 10 October 1663.
[5] P. C. R., lx, 3 June 1668.
[6] *Ibid.*, lxi, 28 September 1668
[7] *Ibid.*, 29 September 1668.

persons.[8] In March 1661, on reading a petition, "It is Ordered his Matie sitting in Councell that the said Mr Ford Mayo^r of Bath as also one Henry Moor mentioned in the 4th Article of the said Complaint do forthwith personally appeare at this Board to answer the said Articles of Complaint exhibited against him as aforesaid." [9] Some months later, on the strength of a petition from the aldermen and the common council of Preston together with an account of the proceedings of the mayor and the bailiffs of that corporation with respect to an election of mayor and officers, since "wee are Informed of divisions & distractions amongst you, being dangerous & of evill consequence not onely to the disturbance of the Government of that yor Corporac̄on, but of bad example to others", the mayor, the bailiffs, the aldermen, and the common council of Preston, were ordered to appear at the council board.[10] In 1664 was sent a letter to the mayor, the aldermen, and the commonalty of Bristol, concerning the election shortly to be held there: no persons of quality were to absent themselves from the elections; those elected were not to fail to take the oaths.[11]

In 1665 a letter from Warwick was sent to Sir Henry Bennett, secretary of state: "It being our duty to acquaint his Ma^sties Councell of some persons that were lately brought before us, upon suspicion of clipping of money, Wee desire to doe it, by your hands." [12] That year and the next numerous orders were sent out to local officials about preventing spread of the plague; a general fasting and a form of prayer were appointed.[13] In 1672, the king in council ordered letters sent to local officials, bidding them provide places for keeping the prisoners of war whom the commissioners of the sick and wounded

[8] *Ibid.*, lv, 24 October 1660.
[9] *Ibid.*, 22 March 1660-1.
[10] *Ibid.*, 25 October 1661.
[11] *Ibid.*, lvii, 7 September 1664.
[12] S. P. D., Charles II, cxiii, 22 February 1664-5.
[13] P. C. R., lviii.

might send.[14] In 1689 the earl of Shrewsbury, secretary of state, wrote to the mayor of Carlisle: "I am commanded by his Ma^ty in Councill to signify his pleasure to you, that you should use your utmost endeavors to discover and apprehend all such Irish Papists as shall be found." [15]

In the privy council sheriffs and other local officials were appointed. In June 1660 a list of sheriffs was read in privy council. Several were approved, the secretary of state to present their names to the king. The names not approved were given to one of the councillors, he to inquire about them from members of the house of commons, then report at the next council sitting.[16] In November sheriffs were "pricked" in a council of the king and fourteen at Whitehall.[17] In 1739 Sir John Norris wrote: "His Magesty held a Counsell at St Jamesis whare he was plesed to mark the sheriues for the next year." [18] In 1773 sheriffs were appointed by George III in council at St. James.[19]

In the privy council were given instructions to the judges about to go out on circuit, and sometimes from the council were sent out orders to the justices going their rounds. In 1663 a letter went from the council to the judge of assize for the county of Dorset urging strict and diligent inquiry about a riot recently committed. Five years later the judges were ordered to proceed against certain offenders at the next assizes.[20] In 1699 at a council at Kensington with the king present, the judges about to go on circuit to the assizes were sum-

[14] P. C. R., lxiii, 22 March 1671-2.
[15] S. P. D., Entry Books, xcvii, 16 March 1688-9.
[16] P. C. R., liv, 2 June 1660.
[17] *Ibid.*, lv, 5 November 1660.
[18] Journal, 27 December 1739: Add. MS., 28132, fo. 108.
[19] P. C. R., cxvii, 8 February 1773.
[20] *Ibid.*, lvi, 14 March 1662-3; lx, 3 June 1668.

moned in. The lord president delivered to them the instructions which the king desired them to have.[21]

Frequently did the privy council assist the king in changing or forfeiting the charters of boroughs, or in directing that the terms of charters be complied with. In 1661 the king in a council of twenty considered a petition from the mayor, burgesses, and commonalty of Bristol, desiring renewal of their charter with additional powers. The matter was referred for the attorney general's opinion.[22] In 1671 Charles II, in a council of twenty-one at Whitehall, declared the charter of Gloucester forfeit. A *quo warranto* was to be issued against the city, if the inhabitants did not surrender their charter.[23] There was much more of this a decade later when Charles II carried out with so much success his design upon his opponents. The king attacked generally the charters of boroughs that had sent to the house of commons members of the majority that the associates of Shaftesbury had led. If these charters were forfeited they could be replaced with others so drawn that in future opponents of the court might not be returned. In 1683 the king being present in a council of eighteen at Windsor, the lord mayor and a committee of the aldermen and the commons of London brought in a submissive petition. They were commanded to withdraw, then called in again. The lord keeper addressed them, telling them what regulations the king required them to submit to, which being done his majesty would pardon them and confirm their charter.[24] A few days later, the king in a council of twenty-five ordered the attorney general to institute *quo warranto* proceedings in respect of the charter of Ludlow.[25] In 1687 and 1688 James II continued his brother's policy, remov-

[21] S. P. D., William and Mary, xii, 22 February 1699.
[22] P. C. R., lv, 18 May 1661.
[23] *Ibid.*, lxiii, 3 November 1671.
[24] *Ibid.*, lxx, 18 June 1683.
[25] *Ibid.*, 28 June 1683.

ing officers from many corporations.[26] In 1738 a new charter for the borough of New Radnor, submitted by a committee of the privy council, was approved by the king and allowed.[27]

Many regulations and orders concerning London were issued from the privy council. In 1661 Charles II, with twenty councillors at Whitehall, issued an order protecting and regulating the water pipes and drains belonging to the City of London.[28] Shortly after, an order in council was given forbidding a haymarket to be held between Charing Cross and Piccadilly, because parts of the straw and the hay brought down by the rain stopped up sewers and grates, causing an overflow at the palace of Whitehall.[29] On another occasion order in council was issued for the demolition of glass works in Southwark, they being a nuisance to the neighborhood.[30]

In 1664 John Breedon, brewer, submitted to his majesty's pleasure "for the Removall of his Brewhouse from Hartshorne Lane upon reasonable Satisfaction to be given him, the Smoake thereof being a great Annoyance to his Maties Pallace of Whitehall." But since the chancellor of the exchequer reported from the committee of the privy council empowered to treat about the affair,[31]

> That the said John Breedon having made Provision of Six Hundred Quarters of Malt, & other Necessaries for Brewing, could not suddenly without very great Losse & Prejudice to his Estate, either provide himself of another House, or desist from Brewing. Upon Consideration whereof It was this day Ordered by his Matie in Councill, That the said John Breedon should be, and he is hereby permitted to continue his Brewing

[26] For example, P. C. R., lxxii, 16, 23 December 1687, 1 January 1687-8.
[27] S. P. D., George II, xlvi, 30 November 1738.
[28] P. C. R., lv, 12 August 1661.
[29] *Ibid.*, 2 September 1661.
[30] *Ibid.*, lvii, 22 April 1664.
[31] *Ibid.*, 7 September 1664.

where he now lives, in Hartshorne Lane aforesaid, untill the ffirst of March next Notwithstanding any former Restraint to the Contrary.

In 1665 the king in a council of sixteen at Whitehall, gave order for cleaning "a very foule loathsome Ditch belonging to a ffield which lyes between the parishes of St Giles & St Martin in the ffields." [32] In 1666 the council was active in numerous measures for rebuilding the city and for the relief of the poor. A committee of the council was appointed for reconstruction.[33] In 1672 a letter was sent to the president and governor of St. Bartholomew's Hospital and St. Thomas's Hospital, that they receive the sick and the wounded seamen sent to them.[34]

Many miscellaneous matters were attended to in connection with local interests or affairs that defy any simple classification. In 1661 "Lycences to kill & sell Flesh this Lent" were granted to a number of persons.[35] Shortly after, the king in council directed letters patent to be passed allowing contributions to be taken from well-disposed people to assist Philip Dandulo, a converted Turk.[36] On another occasion the king in a council of twenty-three ordered three or four of the council of trade to attend the privy council a little later "about the business of the exportation of Bullion." [37] In 1664 the council considered the granting of a patent.[38] On occasion orders were given to fell trees in the royal parks for use of the navy.[39] In 1666 the king in a council of seventeen at Whitehall ordered the secretaries of state to suppress a pamphlet, *An Apology of the English Catholiques*, and endeavor to arrest and punish the author.[40] Two years afterward Lady

[32] *Ibid.*, lviii, 19 May 1665.
[33] *Ibid.*, lix.
[34] *Ibid.*, lxiii, 22 March 1671-2.
[35] *Ibid.*, lv, 22 February 1660-1.
[36] *Ibid.*, 8 March 1660-1.
[37] *Ibid.*, 28 March 1661.
[38] *Ibid.*, lvii, 31 August 1664.
[39] For example, *ibid.*, lviii, 6 March 1664-5.
[40] *Ibid.*, lix, 28 November 1666.

Mohun was directed to cause her children to be educated in the Protestant religion.[41] In 1675 the king in a council of nineteen considered the petition of weavers who had been punished for a riot, and ordered their release.[42] In 1685 James II, on petition, granted in council a patent for the making of paper.[43]

In 1711 St. John, secretary of state, wrote to the earl of Dartmouth, the other secretary, concerning the plague in Germany, asking him to inform the lords of the council so that the necessary precautions might be taken.[44] Some years later one of the assistant secretaries of state writing to the attorney general, said:[45]

> The Council is summoned to meet at the Council Chamber in the Cockpit, to Morrow at Six in the Evening; where My Ld Sunderland desires you will please to attend, & to bring with you the Draught of a Proclamation *for putting in Execution the Laws made against unlawful Clubs and Combinations & for preventing Tumults & riotous Assemblies & for the more speedy & effectual punishing Rioters.* pursuant to the Address of the House of Comons of the 5th inst

In 1751 George II, in a small privy council at St. James's, considered a libel.[46]

In the period after the Restoration the privy council dealt with much business that concerned Ireland, the Channel Islands, the colonies or plantations, and with commerce and trade. Relative to other business transacted in the council Irish and colonial business became larger and more important. During the course of the eighteenth century, as the committee of the whole council came to do most of the work—save for nominal decision

[41] P. C. R., lxi, 13 November 1668.
[42] *Ibid.*, lxv, 22 October 1675. [43] *Ibid.*, lxxi, 4 December 1685.
[44] S. P. D., Anne, xvi, 1 August 1711.
[45] S. P. D., Entry Books, cxx, 8 February 1717-18.
[46] S. P. D., George II, cxii, 5 February 1750-1.

and formal sanction—that remained within the council's jurisdiction, it was found that Irish and colonial affairs made up most of the work of the committee.

Necessarily much concerning Ireland was brought before the privy council. In 1660 the king in council ordered "the Debate upon the Irish Declaration" postponed until the afternoon two days later, at which time the lords of the council were to be prepared to resume it.[47] Three weeks later a declaration for settling the several interests in Ireland was read in the council, and, after several amendments and alterations, approved by the king and ordered engrossed.[48] In March 1661, Charles being present with twenty-four at Whitehall, the council was ordered to meet the following Monday afternoon "for the Consideration of the Irish Affaires At which time Mr Attorney & Mr Solicitor Generall are to attend the Board with their Exceptions and Amendments to the severall Bills lately transmitted out of Ireland and delivered unto them by Order of this Board."[49] During this year the settlement of Ireland, a difficult and important matter, continued to be before the king and the council.[50] In 1662 a letter to the lords justices of Ireland about a collection for the Protestant churches in Poland was signed by eight members of the council.[51] Four years later, in a council of the king and fourteen, several Irish bills were read, "All which being approved by his Matie".[52] On several occasions during 1668 letters went from the king in council to the lord lieutenant of Ireland.[53] In 1675 rules and instructions for the lord lieutenant were given in a council of seventeen, the king present.[54] In 1683 a lengthy

[47] P. C. R., lv, 7 November 1660.
[48] *Ibid.*, 26 November 1660.
[49] *Ibid.*, lv, 1 March 1660-1.
[50] Clarendon, *Life and Continuation*, i. 497.
[51] P. C. R., lvi, 29 June 1662.
[52] *Ibid.*, lix, 6 June 1666.
[53] For example, *ibid.*, lx, 27 March 1668.
[54] *Ibid.*, lxiv, 22 September 1675.

establishment for Ireland was read and approved in the privy council in the presence of the king.[55] At the beginning of his reign James II directed the lords justices of Ireland to dissolve the council there, and he appointed a new privy council of Ireland.[56] In 1697, William, about to go abroad, referred all Irish bills that were transmitted for the royal assent to the privy council for their consideration, they to report their opinion.[57] In 1700 William, in a council of twenty-four, considered a letter from the lords justices of Ireland about erecting a fort and a lighthouse in Dublin harbor. The king ordered it referred to "the Lords of the Committee of this Board, to Examine the Proposalls there made, and to Report what their Lordships Conceive fitt to be done upon the whole matter." A few weeks later, the king and twelve being present, a report from "the Lords of the Committee of the Councill" was made about this matter, and their proposals were accepted by the king in council.[58] "To Day", says Sir John Norris in 1740, "his Magesty had a Counsell at St Jameis and gaue his aprobation of seuerall Irish bills."[59]

Out of Jersey and Guernsey to the privy council of England came frequent communications and appeals from legal decisions. In 1661 Charles II in council ordered that no appeal from Jersey should be allowed in any case of less than twenty pounds, that all appeals should be presented between the beginning of the Easter Term and the end of the Midsummer Term, and that a committee of the lords of the council together with the attorney general, the solicitor general, and the king's advocate should hear such appeals.[60] Some months later in a council of twenty-one the king ordered that no appeal from Guernsey to the

[55] P. C. R., lxix, 2 March 1682-3.
[56] S. P., Ireland, cccxl, 28 February 1684-5.
[57] P. C. R., lxxvi, 22 April 1697.
[58] *Ibid.*, lxxviii, 12 December 1700, 9 January 1700-1.
[59] Journal, 14 February 1739-40: Add. MS. 28132, fo. 150.
[60] P. C. R., lv, 8 November 1661.

privy council about a matter involving less than forty pounds should be allowed, and that appeal must be presented within a year and a day after sentence given in court. A committee of the council to act with the attorney general, the solicitor general, and the king's advocate, was appointed to hear the appeals.[61] In 1673 the bailiff of the island of Guernsey having proposed regulations for the court royal of Guernsey, and the matter having been referred from the council to the committee of Guernsey, the king, in a council of twenty-one at Whitehall confirmed and approved the proposals, and ordered them put into execution.[62] In 1730 the committee of the council reported to the council concerning certain orders to be sent to Jersey. "But the issuing these Orders in form, will be upon the King's approving the Report of the L^ds^ of the Committee. My Ld Duke [duke of Newcastle?] mention'd Thursday as a Council for this purpose."[63]

There was constantly before the council much business relating to trade, the colonies, and various outlying dominions. In respect of it work was more and more done in connection with various councils of trade, committees of the council for trade and plantations, and later on in connection with the board of trade. In 1661 the king in council considered complaints of the Levant merchants against the English consul at Marseilles.[64] Shortly after license was granted to the goldsmiths to transport £ 50,000 in foreign coin and bullion, to supply the East India Company for its trade.[65] In 1662, on report from the committee of Jamaica, the king in council ordered the officers of the ordnance and the commissioners of the navy to consider sending supplies there.[66] Shortly after the king in a council of seventeen rejected a petition from

[61] *Ibid.*, 5 February 1661-2.
[62] *Ibid.*, lxiv, 21 November 1673.
[63] Temple Stanyan to Delafaye: S. P. D., Various, i, 28 September 1730.
[64] P. C. R., lv. 28 June 1661.
[65] *Ibid.*, 21 February 1661-2.
[66] *Ibid.*, lv, 12 March 1661-2.

the planters of Virginia and the traders to that country asking that the planting of tobacco might be limited and prohibited for a while because the price was so low.[67] Next year, letters signed by fifteen lords of the privy council were sent to nine governors of his majesty's plantations in America, about enforcing a navigation act.[68] In 1665 various colonial acts of assembly were approved and ratified in a council of the king and twenty-one. Ordered that the acts be entered verbatim in the council book; and this was afterwards done.[69] Three years later a letter was sent from the king in council to the governor of Nevis bidding him seize a ship and its cargo.[70] In 1673, on petition from the governor, council, and burgesses of Virginia, the king in a council of nineteen ordered the master of the ordnance to furnish as many great guns—up to fifty—as could be spared, together with ammunition.[71] In 1675 a petition from Barbados was read and referred from the privy council to the committee for trade and plantations.[72] Two years after the king in a council of twenty heard a cause between Gorges and Mason, petitioners, and the corporation of Massachusetts Bay. The king referred it to the committee of the council for trade and foreign plantations, they to report to him.[73] A little later a "Report from the Com^{ee} of Trade &c^{a} about St Christophers, and the Leeward Islands" was read in council and approved by Charles II.[74] On another occasion a report was read in council from the lords of the committee for trade and plantations about the laws and the government of Jamaica. There was full debate. The king approved, and ordered the secretary of state to prepare suitable orders and instructions.[75] In 1683, in the

[67] P. C. R., lv, 26 May 1662.
[68] *Ibid.*, lvi, 24 June 1663.
[69] *Ibid.*, lviii, 21 April 1665.
[70] *Ibid.*, lx, 26 February 1667-8.
[71] *Ibid.*, lxiv, 3 October 1673.
[72] *Ibid.*, lxv, 19 November 1675.
[73] *Ibid.*, 7 February 1676-7.
[74] *Ibid.*, lxvi, 27 June 1677.
[75] *Ibid.*, lxviii, 28 May 1679.

midst of similar proceedings in England, Charles II, in a council of nineteen at Hampton Court, on the report of the committee of trade, ordered the attorney general to bring a *quo warranto* against Massachusetts Bay for abuses of its charter.[76] In 1689 the council repealed an act passed in Jamaica to regulate the value of coin.[77]

In July 1739 the council refused a request made by the agent of Barbados for a supply of arms for the militia for defence of the island, and next year a similar request was refused by the cabinet council.[78] In 1766 instructions for the new governor general of Canada had passed the privy council, opinion of the attorney general and of the solicitor general had been given upon them, and a draft had been made by the board of trade. In the meeting of the principal ministers at the lord chancellor's house, however, he spoke strongly against the principle of allowing the governor general to constitute courts of justice. Nothing was determined. "I am apt to think", wrote the duke of Newcastle, who had worked with principal ministers for many a year, "the instructions will go, as they are agreeable, in the greatest part, to the opinion of the Attorney- and Solicitor-general. It is much to be lamented, that the Privy Council, where all these things are settled, has not the assistance of any one law lord, the Chancellor very seldom attending those Councils." [79] In 1772 an order of the king in council was sent to the earl of Rochford, secretary of state, "in Order that his Lordship may write to the Governor of Minorca and Gibraltar to acquaint them with the Directions therein contained." [80]

In addition to the work of the privy council that was in some sense associated with great departments of the

[76] *Ibid.*, lxx, 13 June 1683. [77] *Ibid.*, lxxiii, 17 October 1689.

[78] S. P. D., Various, ii, 23 April 1740.

[79] Newcastle to John White, 28 June 1766: *Narrative* (Camden Society, new series, lix), p. 77.

[80] S. P. D., George III, ix, 9 July 1772.

government, the council constantly heard petitions, sat upon causes, examined suspects or persons accused, considered the granting of passes to travellers who wished to go abroad, and, in the general process of executive work in government, issued numerous declarations and orders.

Petitions, as in the earlier period, concerned a variety of matters, and probably took more of the time of the council than properly could be afforded. Most of them were addressed to the king, and were by him referred to the lords of the council; but a great many were addressed to the council itself.[81] Numerous requests were addressed to the sovereign in council.[82] In 1660 the council considered a petition from a woman of Wiltshire, whose daughter had been carried off, detained, and forcibly married. She asked for the return of her daughter. The matter was referred to the judges of the next assize in Wiltshire.[83] Shortly after, on the petition of a certain one about great annoyance from a sewer in Westminster stopped up by an iron grate, the lord chamberlain was ordered to make an investigation.[84] In December a petition from merchants and tradesmen of London "for expulsion of the Jewes" and petitions from the Jews for continued protection by the king were referred to parliament with request for parliament's advice.[85] In 1662 the East India Company asked for protection from the encroachments of the Dutch.[86] That year the prayer of a wife that she with her servants be allowed to visit her husband, prisoner in the Tower, was considered in a council of twenty, the king not present, and she was allowed to go.[87] Shortly after a privy council of twenty considered the petition of

[81] "To the Right Honourable the Lords of his Maties Privy Counsell": S. P. D., Charles II, xxxii. 101; "To the Right Honble the Lords of his Majesties most Honble privy Councill": *ibid.*, xxxix. 138.

[82] For example, S. P. D., Anne, xxviii, xxix, xxx.

[83] P. C. R., liv, 22 August 1660.

[84] *Ibid.*, 29 August 1660.

[85] *Ibid.*, lv, 7 December 1660.

[86] *Ibid.*, 19 March 1661-2.

[87] *Ibid.*, lvi, 2 July 1662.

a woman who had reared her child by a former husband. The child was now fourteen years old. The grandmother had asked that it be allowed to visit her. This had been granted. The grandmother had hidden the child. The mother wished the privy council to summon the grandmother. Command was so given.[88]

Doubtless the council was not seldom bothered by troublesome petitioners and suitors. In 1662 " It was this day Ordered That Thomas Dunn have Copies of the Elector of Brandenburgs Letter of the 17th of March 1662 and of the Decree at Koninsberg, & of the Declaration of the Chancery of Brandenburg, and that he be forbidden to trouble the King or Councill any more in that business." [89] In 1663 a petition from the fraternity of needle makers of London asked that importation of foreign needles be prohibited and that manufacture of iron needles and the use of machines in manufacturing needles be forbidden.[90] Two years after the merchants trading to the Canaries asked for incorporation and for a monopoly of the trade. Their petition presented to the king at the council board, " being read, his majesty (according to his custom in matters of difficulty and public concernment) directed it to be read again on that day month, at which time his majesty presumed that all who would oppose it would present their reasons and objections against it, which he desired to hear." [91] In 1679 one, Richard Beane, petitioned to be allowed to try on some of his majesty's frigates an invention for giving motion to ships in a calm: referred to the admiralty.[92] Generally when petitions were referred by the king or by the council to some committee or particular officers for consideration or report, this was en-

[88] *Ibid.*, 2 July 1662.
[89] *Ibid.*, 19 September 1662.
[90] *Ibid.*, 7 January 1662-3.
[91] Clarendon, *Life and Continuation*, ii. 116.
[92] P. C. R., lxviii, 9 July 1679.

dorsed on the back by one of the secretaries of state or under his direction.[93]

In 1668, when important standing committees were formed, it was ordered that except in the case of foreign affairs nothing should be referred to committees until first read in council. When petitions were read at the board, if there was unanimous consent to accept or reject, they were to be dispatched as formerly they had been. To committees petitions were, however, to be referred when there was diversity of opinion in council or cause for examination.[94]

In the latter part of the seventeenth century Edward Southwell, a clerk of the council, explained the disposal of petitions that came within cognizance of the council. "As for the *Petitions* which come before the Board", he said, "very few are of that Nature as to allow of a final determination at the first reading (unless they are rejected.) So they are generally referred to the Proper persons & offices, in order to a full information of the fact by Reports." Petitions about reviews and about the stopping of grants were referred to the lord chancellor; petitions that concerned the custom house, the excise office, grants, pensions, the revenue were turned over to the treasury; petitions that concerned the navy board, sea rewards, pensions, sea complaints, sailing of ships were referred to the admiralty; petitions that had to do with *noli prosequi*, charters, outlawries, Irish acts, proclamations, points of law went to the attorney general or the solicitor general or to both; petitions concerning Irish grants, favors, reversal of outlawry were referred to the lords justices of Ireland; anything about the plantations or concerning new proposals about trade went to the council of trade; petitions in respect of Jersey affairs or complaints were referred to the committee of Jersey or to a

[93] S. P. D., Charles II, *passim*. [94] P. C. R., lx, 12 February 1667-8.

committee of the whole council; frequently particular matters were referred to particular persons.[95]

To go abroad it was still necessary to obtain leave from the king or from the privy council acting for him, and the granting of such passes or licenses continued to occupy the attention of the council. This was alluded to by a writer in 1679: "Our Lawes restraining most sorte of persons even from passing beyond Sea without leave askt & had from his Matie or his Councill." [96] Passes were also issued to ships, to sail notwithstanding prohibition or embargo in time of war, or to sail into waters where particular dangers or restrictions prevailed. In 1722 the king at Kensington in a council of twelve issued an order in council about giving passes to protect ships from Algerine pirates.[97]

The council continued also to act as a court, assisting in the maintenance and perpetuation thus of a little of the old judicial jurisdiction of the king in council, which—except for appeals from outlying dominions—had now passed almost completely to various particular established courts. Accordingly, as in the period before the Long Parliament, causes, or cases between disputants, and sometimes cases involving alleged offences against the crown, were brought to the king and his council to be settled. After 1660, however, there was much less of it than before 1640.[98]

[95] Privy Council Routine: Add. MS. 34349, fos. 19, 20.

[96] State Papers, Foreign, Archives, ccxlv, 12 May 1679.

[97] S. P. D., George I, xxxiii, 14 June 1722.

[98] In 1676 Sir Matthew Hale, lord chief justice, speaking of the privy council, declared: "This is barely a council of advice, and regularly hath no conusance of causes or jurisdiction farther than by acts of parliament." *The Jurisdiction of the Lords House, or Parliament,* etc. (ed. Francis Hargrave, London, 1796), p. 5. More than a century later, however, Horace Walpole wrote: "causes are only heard before the Council in the afternoon". Letter to Sir Horace Mann, 1 August 1766: *The Letters of Horace Walpole* (ed. Mrs. Paget Toynbee, Oxford, 1903-25), vii. 33.

In 1660, on information against a certain one, the sheriff was ordered by the council to arrest him. Along with the petitioner he was brought before the council. A committee was appointed to hear both sides: "The Comittee to endeavo[r] to reconcile all partyes, Or else to report unto this Board what they conceive fitt to bee further donn thereupon." [99] In 1667 Pepys went to the council chamber: [100]

> When I come, the King and the whole table full of Lords were hearing of a pitifull cause of a complaint of an old man, with a great grey beard, against his son, for not allowing him something to live on; and at last come to the ordering the son to allow his father £ 10 a-year. This cause lasted them near two hours; which, methinks, at this time to be the work of the Council-board of England, is a scandalous thing, and methought Sir W. Coventry to me did own as much.

In 1669 was heard before the king in council a long cause between justices of Salisbury and the farmers of the revenue concerning twenty-two alleged false and erroneous judgments, most of them proved to have been given by those justices in matters of the excise to the great prejudice of the king's revenue.[101]

In 1681 a bookseller was said to have been brought before the council, and then committed close prisoner to Newgate for high treason. He had spoken words interpreted to mean that he would not cease writing until he had made a commonwealth of the kingdom.[102] In 1682 the duke of Ormonde complained in council against the earl of Anglesey, desiring justice from the board. The council would have declined to take the matter up, but his grace pressing it, a day was appointed for a hear-

[99] P. C. R., liv, 18 July 1660.
[100] Pepys, *Diary*, 3 July 1667.
[101] Sir Joseph Williamson's Journal: S. P. D., Charles II, cclxxi, 21 April 1669.
[102] Luttrell, i. 75.

ing.[103] Probably the intervention of the council was frequently sought by persons who desired its action rather than that of an ordinary court. The work of parliament in 1641 had made this less possible, however. In 1683 one of the secretaries of state wrote to a certain preacher:[104]

> I am very sorry to find by y^r^ letter . . . that y^r^ circumstances there att Yarmouth are rendred so uneasie to you; you must not expc^t^ from hence any extraordinary effort to be made for y^r^ vindication, the Councill Board not medling wth the greivances of particular men. but referring th^m^ to be releived att Law, whither all subjects indifferently are to have recourse . . . His Matie & the Councill Board interposīng in those things onely where the public peace is endangered.

For the most part this rule seems to have been followed. In 1692 the earl of Nottingham, secretary of state, declared that by the law of England the privy council was not allowed to judge of any cause wherein an Englishman's property in England was concerned, unless a commission therefor was issued under the great seal of England.[105]

In 1687 the king in council heard a cause between the city of London and the earl of Clarendon and other patentees of the late king, about encroachments made on the River Thames. A *scire facias* was ordered against the patentees.[106] Evidently there was enough of such business to require, as in the period preceding, some regula-

[103] *Ibid.*, p. 196.

[104] Secretary Jenkins to Mr. Milbourne, 2 June 1683: S. P. D., Entry Books, lxviii. 275.

[105] *Hodgkin MSS., H. M. C.*, 15th report, appendix, ii. 78. In 1668, when Charles II appointed a standing committee of the council for petitions of complaint and grievance, he particularly ordered the members "not to meddle with Property": P. C. R., lx, 12 February 1667-8.

[106] Luttrell, i. 417.

tion. In 1689 the king in council ordered that thenceforth there should not be admitted to be heard in any cause at the board more than two counsel on a side, and but one on each side for reading evidence and proofs.[107] In 1692 Sir Rowland Gwyn told the queen that Lord Sidney had sold several places under him. His lordship desired leave of the queen to clear himself in the council. Gwyn was ordered to make good his charge. The cause being heard, the accused cleared himself, and the charge was declared to be scandalous, frivolous, and false. About the same time one of the justices of the peace of Lincolnshire was heard before the council: the press masters complained that he had opposed them. He cleared himself; prosecution of them was ordered. A week later the commissioner of the revenue in Ireland had a hearing about alleged miscarriages.[108] In 1699 William in privy council heard pleas of counsel in a dispute between the earl of Stamford and the duke of Devonshire concerning right of hunting in the park of the duchy of Lancaster.[109] About the end of the seventeenth century one of the council clerks wrote: "No cause is permitted to be reheard before the Lords, after once Judgment is pronounced." [110]

Representing and sharing the authority of the king, the privy council continued to exercise an authority and jurisdiction which other courts had of punishing by im-

[107] P. C. R., lxxiii, 31 October 1689.

[108] Luttrell, ii. 404, 407, 409, 412, 418.

[109] "Le Roy fut jeudi passé fort long-tems dans le Conseil, a cause d'un different qu'il y a entre le Comte de Stanford et Milord Devonshire et qui y fut plaidé par Avocat. Le fait est que le Comte de Stantford comme Chancelier de Duché de Lancastre pretend avoir droit de chasse dans le Parc qui est dans cette Duché, et que Milord Devonshire comme Gardien du dit Parc, lui dispute ce droit. Apres de longs plaidoyers de part et d'autre, Sa Majesté se leva et dit, qu'Elle examineroit cette affaire, voulant insinuër qu'Elle la vuideroit bien tout seul." Bonet to the elector of Brandenburg, London, 3/13 February 1699 (N. S.): Add. MS. 30000 C., fo. 32.

[110] Edward Southwell, Privy Council Memoranda: Add. MS. 38861, fo. 20.

prisonment for contempt in its presence and for disobedience to its orders or the orders of the king, and it continued, in a manner a little reminiscent of Star Chamber, to receive information, to summon alleged offenders, before itself, and to examine them concerning accusations.

In 1662 it was ordered by the king in a council of eighteen that a certain woman, brought by warrant to answer several contempts of orders from the board, should be committed to the messenger in ordinary of the king's chamber, to keep her in custody as a prisoner until discharged by order of the council, the order to be his warrant. About the same time the king in a council of twenty issued "A Warrant to Richard Carter one of the Messengers of his Maties Chamber to take into his Custody the person of William Dashwood of the parish of St Giles, Cripplegate Brewer, & keepe him safe till by Order of the Boord he shalbe discharged." [111] In 1663 a warrant was issued by the council to the warden of the Fleet to take into custody the mayor of Sandwich, the deputy governor of Deale Castle, and others, for granting a replevin of certain packs of wool seized at Deale by officers of the king.[112] The same year a communication was sent to the secretary of state about difficulty in dealing with Sir John Warr. "If I may give you my Judgment," said the writer, "its my Sence that the awe and grandure of Majestie and a Councill table, will begett a confession in the Villayne, wch wee cannott force from him by threats or freindlinesse." [113]

In 1667, complaint having been made that various persons had endeavored to enlist seamen and carry them beyond the sea into the service of foreign princes, order was given for stopping such practices, "& the autho^rs to

[111] P. C. R., lvi, 26 November, 10 December 1662.

[112] *Ibid.*, 27 March 1663.

[113] John Hall to Sir Henry Bennet: S. P. D., Charles II, lxxxi, 3 October 1663.

appeare before the Councell." [114] On one occasion Lord Arlington was ordered to keep close prisoner William Penn, "Author of the Blasphemous Booke . . . The Sandy foundation Shaken &c!" [115] "Yesterday", wrote Williamson in 1669, "appeared in custody before the Councell one Mr Minor of Litchfield for keeping unlawfull meetings in his house & remaines after examination und^r confinem^t" [116] About 1672 testimony was given before the council by one named Macedo, who was put upon his oath.[117] In 1676 a man who had been examined before the council for making trouble at the city election, was committed to the Gatehouse. About the same time a warrant was signed by six of the principal members of the privy council to arrest Sir Philip Monckton for writing a letter defaming the lords of the council.[118]

In 1681 a certain one was taken into custody, examined before the council, then admitted to his liberty on bail. A little later another was by warrant from the council board committed for high treason prisoner to the Gatehouse. In 1683 a printer, by warrant from the lords of the privy council, was committed to the Gatehouse for printing scandalous and seditious news.[119] In 1692, two Frenchmen and a Dutchman, thought to be spies, were brought to the council guarded by a file of musketeers. They were examined and then committed to a messenger of the council.[120] In 1722 a committee of lords of the privy council examined Christopher Layer with respect to a plot.[121]

[114] Sir Joseph Williamson's Journal, 27 September 1667: S. P. D., Charles II, ccxxxi. 60. [115] P. C. R., lxi, 16 December 1668.

[116] S. P. D., Charles II, cclxxi, 17 July 1669.

[117] *Autobiography of Sir John Bramston* (Camden Society, xxxii), pp. 145, 146.

[118] P. C. R., lxv, 28 June, 5 July 1676; S. P. D., Charles II, ccclxvi, 28 June 1676; *ibid.*, ccclxxxiii, 5 July 1676.

[119] Luttrell, i. 118, 129, 252. [120] *Ibid.*, ii. 431.

[121] S. P. D., George I, xxxix, 1 October 1722.

In 1676 John Harrington, who had been examined at the privy council, was committed to the Tower by the lords of the council for insolent bearing in their presence. A debate followed in the house of commons as to whether commitment by command of the king's ministers did not invade the liberty of the subject. Various opinions were stated, and the legal aspects of the matter were explored in some of the speeches. Mr. Sacheverell, usually an opponent of the court, declared: "As this case seems to him, if this be allowed, there needs neither Star-chamber, nor Oath, *ex officio*—Not only the Council-table, but the Lords House commit for 'Contempt.'" [122] Generally, among those who discussed it, the disposition was to defend the right of the crown to commit and imprison, within restricted limits, however.[123] One of the members said: "The Privy-Council may do what a Court-Leet may, *quia male se gessit.* 'Tis a common thing to commit upon rude deportment—And his commitment was, because he was of an ill behaviour before his Prince." Sir Francis Winnington said: "That no man is brought thither to accuse himself, is their rule; but to ask if he knew such a man, and what is become of him. Any man that owes allegiance to the King, ought not to refuse answering there." [124] A little later: "He humbly conceives the jurisdiction of the Council to be this: The case may happen, that they may commit a person to custody—If he be not bailable, he may be committed till delivered by due course of Law . . . The Council cannot punish the estate, or the person, in giving Bail." [125] Another said: "The Council may commit in many cases, but in order to Tryal. No man can say they can judge or fine a man." [126] Still another asserted: "For Contempts, and things properly within the examination of the Coun-

[122] Grey, *Debates,* iv. 261, 262, 264, 265, 266.
[123] *Ibid.,* p. 270.
[124] *Ibid.,* p. 264.
[125] *Ibid.,* p. 268.
[126] *Ibid.,* p. 267.

cil-table, it is lawful for them to commit; and this Commitment is only in order to bring him to his Tryal." [127] It was explained that commitment for contempt had been made by the king's verbal order to the constable, that the warrant ran for subornation of perjury, stirring up sedition, and contempt of the king in council. Before the house Harrington declared that he had been committed because he refused to answer questions except according to the law. The matter was dropped by the commons, though some of them favored asking the king that there be no more commitments unless according to the law of the land and without asking bail.[128]

In 1688 the bishops who had been summoned to appear before James II and his privy council held a preliminary conference with their own advisers. In the course of the discussion, according to a record taken

> *Q.* Whether the Privy Counsell, being no Court of Record, can require us to enter into Recognizances for appearance in any case, where they are not particularly authorised to do so by Act of Parliament?
>
> *A.* Never done.
>
> It does not appear that any of the house of Lords ever gave Recognizances for misdemeanour.
>
> The Privy Counsell have not committed for misdemeanour.
>
> If no Recognizances be given, their proceedings with us must be by Subpena out of the King's Bench; and then we may imparle till the term after.

As is well known, when the bishops appeared before the council they declined to enter into recognizance, and so were committed to the Tower.[129]

In 1690 there was a debate in the house of lords concerning the imprisonment of Admiral Torrington. The

[127] Grey, *Debates*, iv, 273. [128] *Ibid.*, pp. 271, 276, 281.
[129] [John Gutch], *Collectanea Curiosa*, etc., i. 344, 345; P. C. R., lxxii, 8 June 1688.

question was asked whether the privy council might have committed him to prison. The judges present, when asked, answered yes.[130] In 1704 the earl of Nottingham, secretary of state, excused the failure to arrest a certain one: "Because the Comm^ee of Council could not Censure any Man otherwise than by ordering a Comitm^t & prosecūon of him: And, w^tever the House of L^ds may assume to do, no Comm^ee of Council or the Council itselfe can committ any man for any Crime w^thout oath against him." [131]

From time to time the king and the council ordered prisoners set at liberty, sent out pardons, and intervened in behalf of prisoners under the jurisdiction of other courts. Here, as in other cases, however, in course of time the council was often doing no more than giving formal sanction to what the principal ministers had considered and decided upon elsewhere. In 1661 the king in a council of twenty, ordered a warrant issued to the sheriff of Sussex for the discharge of fifteen prisoners from jail.[132] At another time the king in council ordered the attorney general to draw up a pardon for certain ones reprieved and pardoned by the king on condition of transportation.[133] In 1664 a communication sent to Sir Henry Bennet, secretary of state, asked that if the king and the privy council had no information against some who were detained, an order to set them at liberty be sent, upon such terms as the king and his council might think fittest.[134] In 1679 the king in a council of twenty-three, on petition, ordered a prisoner condemned for high treason to be reprieved for ten days.[135] In 1730, at a meeting of

[130] *House of Lords MSS., H. M. C.*, 13th report, appendix, v. 94, 95.
[131] Hatton-Finch Papers, Add. MS. 29587, fo. 130.
[132] P. C. R., lv, 5 April 1661.
[133] *Ibid.*, lvi, 6 July 1662.
[134] S. P. D., Charles II, xci, 27 January 1663-4.
[135] P. C. R., lxviii, 18 June 1679.

the council largely attended, Francis Charteris, convicted of rape, was pardoned.[136]

From the privy council were issued many declarations, proclamations, and orders, setting forth what the king wished to have done generally with respect to some matter, or directing what was to be done specifically in respect of some particular thing. Through proclamations and orders of the council much of the executive direction was given.

Most important of the declarations were those that in effect for a while after the restoration continued the legislative power of the king and the council which had flourished in an earlier time—a power nearly at its end. These declarations in effect made laws for the realm, or else suspended or dispensed with laws that parliament had made. They were not issued after the Revolution of 1688.

In 1660, Charles II and fifteen of his council being assembled, "His Maties Declaracon concerning Ecclesiastical Affayres was read at the Board this Day."[137] Two years afterward, the king and fourteen present in council, "This day, his Matie by the Advice of his Privy Councill, approved of the Declaration, intitled his Maties Declaration to all his loving Subjects of the 26th of December 1662, and did Order that the same be forthw^th printed & published." The reading of this, his first, declaration of indulgence issued, was the only business recorded for that meeting.[138] In March 1672 the second declaration of indulgence was issued by Charles. "It was this day Ordered by his Ma^ty, That the Right Hono^ble the Lord Arlington his Ma^tys Principall Secretary of State do cause his Ma^tys Declaration to all his Loving Subjects bearing Date this 15th day of March instant to be forthwith printed & pub-

[136] S. P. D., George II, xviii, 10 April 1730.
[137] P. C. R., lv, 26 October 1660. [138] *Ibid.*, lvi, 26 December 1662.

lished." [139] In the council also, as previously noted, were issued declarations of war. In 1672 the king in a council of twenty-three ordered Lord Arlington to cause the declaration against the Dutch Netherlands to be printed and published.[140]

Proclamations, which during this period were always issued in council, concerned a great variety of matters. They were given out, rather than orders, in the case of more important matters, when wide publicity or general attention was desired, particularly in respect of summoning or dissolving parliament or enforcement of laws which parliament had made.

In 1661 the attorney general was bidden to prepare "a Proclamation for restraining the excess of Buildings in & about the Cittyes of London and Westm^{r}".[141] Shortly after, the solicitor general was told to prepare a proclamation forbidding the wearing of gold lace or embroidery, the importation of foreign silk or thread lace, and the gilding of coaches.[142] "This day" says the record of the council in 1662, "the Proclamation concerning his Ma^{ts} curing the Evill was read and approved." [143] A little later the attorney general was ordered to draw up one prohibiting the exportation of corn or grain.[144] Next year a proclamation enjoining Jesuits and popish priests to depart from the kingdom was read and approved in the council, and delivered to the secretary of state to be prepared for the king's signature.[145] In 1665 "the Proclamation forbidding forrain Trade & Commerce was read at the Boord, and approved, And Ordered to be forthwith printed & published." [146] In 1668, in a council of the king and fifteen, a proclamation for enforcing the laws against

[139] *Ibid.*, lxiii, 5 March 1671-2.
[140] *Ibid.*, 17 March 1671-2.
[141] *Ibid.*, lv, 20 March 1660-1.
[142] *Ibid.*, 26 April 1661.
[143] *Ibid.*, lvi, 2 July 1662.
[144] *Ibid.*, 12 November 1662.
[145] *Ibid.*, 8 April 1663.
[146] *Ibid.*, lviii, 1 March 1664-5.

conventicles and for preservation of the public peace against unlawful assemblies of papists and non-conformists was read in council and approved, then ordered to be engrossed, printed, and published.[147] In 1672, in a council of the king and twenty-one, the draft of a proclamation for a general fast throughout England was read and approved, and Charles ordered it to be printed and given out.[148] The same day were considered proposals in respect of cleaning the streets of Westminster: the attorney general to prepare a proclamation to bring about better cleaning.[149] Next year, in a small council, the king present, a proclamation for banishing all Jesuits and popish priests, and executing the laws against popish recusants was read and approved.[150]

In 1675 a proclamation, approved in a council of the king and eighteen, commanded the immediate return of the king's subjects from the French king's service, if they had entered since the late treaty with the United Provinces, and forbidding any more to enter that service.[151] Shortly after, there was a proclamation bidding certain riotous weavers disperse to their homes.[152] A little later there was another for the suppression of coffee houses.[153] In 1679 the attorney general and the solicitor general were bidden to prepare a proclamation against seditious and treasonable pamphlets.[154] In 1683, before a council of the king and eighteen, was read and approved the draft of a proclamation for putting into force the laws relating to the excise.[155] In 1685, at the beginning of the reign of James II, in a council of the king and twenty-four at Whitehall, a proclamation continuing payment of

[147] P. C. R., lx, 10 March 1667-8.
[148] *Ibid.*, lxiii, 22 March 1671-2.
[149] *Ibid.*
[150] *Ibid.*, lxiii, 13 March 1672-3.
[151] *Ibid.*, lxiv, 19 May 1675.
[152] *Ibid.*, 11 August 1675.
[153] *Ibid.*, lxv, 29 December 1675.
[154] *Ibid.*, lxviii, 27 October 1679.
[155] *Ibid.*, lxx, 18 June 1683.

the excise for three years, was read, approved, and ordered to be immediately printed and published.[156] In 1714 arrangement was made to lay before the king a proclamation about putting into effect the laws against papists.[157] Four years later, one of the under-secretaries, writing for Lord Stanhope, secretary of state, asked the attorney general or the solicitor general to prepare a proclamation for apprehending a certain one, the draft to be laid before the privy council.[158] In 1735, Queen Caroline, present with seventeen of the council at Kensington, a proclamation against murderers and robbers in London was ordered.[159] In a meeting of the principal ministers at Newcastle House in 1748 it was agreed that a proclamation or an order of council was necessary for a suspension of arms with a view to preliminaries of peace.[160]

Proclamations concerning the summoning or dissolution of parliament were always made to issue from the king in council. "It is this day generally affirmed", says a newsletter of 1679, "that his Majestie hath desclosed in Councill the Parliament is dissolved, and will forthwith issue a Proclamation thereof and for assembling a new Parliament."[161] Concerning this incident Luttrell wrote: "The late proclamation for dissolving the parliament is observed to want the words by the advice and consent of the privy councill, which, 'tis true, was against their consent."[162] In 1686 Barillon wrote to Louis XIV that for the sake of form a proclamation concerning the proroguing parliament had to be resolved on in the privy

[156] *Ibid.*, lxxi, 16 February 1684-5.
[157] S. P. D., Entry Books cxvii, 27 November 1714.
[158] *Ibid.*, cxx, 11 April 1718.
[159] S. P. D., Various, i, 9 July 1735.
[160] *Ibid.*, v, 2 May 1748.
[161] *Kenyon MSS., H. M. C.*, 14th report, appendix, iv. 113.
[162] Luttrell, i. 17.

council.[163] In 1702 the earl of Nottingham, secretary of state, summoned "a Com^ee" of such councillors as were in London, namely, the lord privy seal, the lord steward, and the earl of Rochester, and they agreed that parliament should be further prorogued. This they proposed to the queen; she approved, and ordered the other secretary of state to summon the privy council for the following Sunday.[164] When in 1710 Anne had made her important decision to dissolve parliament, the record in the register runs: "This Day the following Proclamac̄on was Read at the Board and Approved." And in the margin the note: "Proclamac̄on for the Dissolving of the Parliament."[165] In 1743 it was ordered by George II in privy council that parliament, already prorogued, should be prorogued to a later day, the lord chancellor to cause a commission to be prepared and issued in the usual manner for effecting this.[166] In 1747, in a council held in the king's presence at Kensington "the following Proclamation was read at the Board and Approved . . . For Dissolving this Present Parliament and Declaring the calling of another."[167]

Orders issued in the privy council concerned almost as wide a variety of business as that which the council dealt with. On Christmas Eve in 1660 Charles II in a council of ten at Whitehall, gave an "Order for the solemnization of the Nativity of Our blessed Saviour."[168] Four years after this, in a council of twenty-four, he gave order for the observance of quarantine precautions against the pestilence.[169] In 1672 there was an order dispensing with

[163] "La Proclamation n'a pas encore esté publiée, il faut pour la forme qu'elle soit résolue dans le Conseil Privé": Transcripts from Paris, clxiii. 241.

[164] S. P. D., Entry Books, ci, 5 September 1702.

[165] P. C. R., lxxxiii, 21 September 1710.

[166] *Ibid.*, xcviii, 19 November 1743.

[167] *Ibid.*, c, 18 June 1747.

[168] *Ibid.*, lv, 24 December 1660.

[169] *Ibid.*, lvii, 17 August 1664.

certain parts of the navigation acts.[170] In 1686 an order to prevent spiriting or kidnapping people, by regulation of the taking out of such as went beyond the sea.[171] In 1688 James II ordered the declaration of indulgence to be read at divine service in all the churches of his kingdom.[172] In 1741 by an order in council the embargo was to be raised.[173] After the collapse of the rebellion of 1745, the duke of Newcastle drew up "Heads for an Order of Council relating to the Rebels."[174]

Orders of council were sometimes headed by a list of the councillors present when the orders were resolved on.[175] Often they were signed by the members present. In 1672 the order in council dispensing with certain clauses of the navigation acts, determined in a council of the king and twenty-six, was signed by twenty-three.[176] Next year the rule was made that whenever there was not time for reading on the following day such orders as passed the board, they should be shown to one of the secretaries of state if they concerned matters of state, if matters of law or the courts to the lord chancellor, the lord privy seal, or the president of the council—if there was a lord president, other orders to any of the five, orders concerning the revenue to the lord treasurer.[177]

Orders were issued generally "By the Kings most Excellent Matie & the lords of his Maties most Honble Privy Council."[178] When of general interest, concerning the community or a considerable number of people—as, for example, an order in 1672 respecting measures taken to

[170] S. P. D., Charles II, cccviii, 10 May 1672.
[171] Luttrell, 1. 375.
[172] P. C. R., lxxii, 4 May 1688.
[173] S. P. D., George II, lvii, 19 November 1741.
[174] *Ibid.*, civ. 267.
[175] For example, S. P. D., Charles II, xl, 14 August 1661.
[176] *Ibid.*, cccviii, 10 May 1672.
[177] P. C. R., lxiv, 23 May 1673.
[178] For example, S. P. D., James II, v, 22 March 1685-6.

ensure a supply of coal for London during the war with Dutch—they were printed.[179]

Finally, in the privy council, appointments of important officials were declared, and various officials were sworn in the council chamber. In 1661, in a council of the king and fifteen, the duke of Ormonde was declared lord lieutenant of Ireland.[180]

It might seem from such lengthy account of the mass of business before the privy council that the central government's administrative and executive work was still done extensively in this council. What has previously been said, however, should be here reaffirmed: during all this time tendency increased for work once done in privy council to be dealt with in other places—by boards, by departments, by committees of the council, especially by the committee of the whole council, which in effect mostly superseded the council in actual performance of such business as remained to the council—excepting formal decision and ratification, and by the cabinet—in which at last were done all important things once transacted in the larger body. Some work the privy council continued to do, and always it remained the great, imposing body in which regular sanction and completion were given to what had been arranged or decided on elsewhere. In 1711 a report upon a petition of Lord Baltimore said: "his late Majesty having taken the Advice of his Cabinet Councill did thereupon declare his Pleasure in his Privy Councill", that he would appoint a governor of Maryland.[181] In 1734 a pamphleteer, writing against Pulteney, said: "You that have been a Privy Counsellor, know very well that Alliances are first concerted in the cabinet, then laid before

[179] S. P. D., Charles II, cccvii, 3 May 1672.
[180] P. C. R., lv, 4 November 1661.
[181] S. P. D., Entry Books, cx. 347.

the Privy-Council, and last of all communicated to the Parliament." [182]

In the later period it is in committees of the council rather than in the council itself that privy council work must be studied. This can, in preliminary way, be best seen in the organization and the work of the council itself. In 1668 [183]

> His Ma^ty^ was pleased this day of his owne royall care to present to the Board seurall Orders & Rules for the future managem^t^ of affaires in his Councell. By wch four or fiue Grand Comittees are instituted to consider of all matters, & to meet on certaine dayes, & one Councello^r^ appointed to preside . . . All other matters to be referred downe to particular temporary Comittees as the Board thinkes fitt. All things to be first read at the Board, Then referred downe to Comittees. Their Reports to be in writeing the next Councell day, & debated at the Board.

As time went on a large part of what the council did was to refer matters for consideration—to committees of its own members, to commissions or boards containing also members not of the council, to particular members of the privy council who were at the head of boards or commissions, and to others—afterwards receiving and generally approving the reports thereon. In 1697, for example, many things were referred to the attorney general, to the board of trade, to the commission of the admiralty, to the commission of the treasury, to particular officials, to the committee of Jersey and Guernsey, to the committee of the whole council, to the lords of the committee.[184]

During the period of Anne the privy council continued to be the place where proclamations and orders were

[182] *The Ministry and Government of Great-Britain Vindicated,* etc. (London, 1734), pp. 39, 40.

[183] Sir Joseph Williamson's Journal, 31 January 1667-8: S. P. D., Charles II, cccliii. 14.

[184] P. C. R., lxxvi, lxxvii.

issued and formal sanction was given, but most of its work was the referring of petitions or communications to various officials or committees, and then receiving and approving their reports. About 1710 there was a proposal that passes should be granted to neutral ships trading from England to Spain. The committee of trade made observations upon this, but no objections. It was then considered and approved by the queen and the committee of council—either the cabinet or the committee of the whole council, the insufficiency of the record here, as in many other places, not permitting certainty about this.[185]

During the reign of George I the business of the privy council was almost entirely form and routine. Officials were appointed in the council; orders and proclamations were sanctioned and issued; petitions were received; parliament and convocation were summoned, prorogued, dissolved. For the most part this was ceremonial merely. The greater things had already been decided in the cabinet or in the smaller meetings of the ministers. The lesser matters had been referred to the committee of council, to commissioners, to the board of trade: from them the council received reports which were almost invariably acted upon as presented. In 1718, in a council of the king and eight at Hampton Court, a petition from the fellows of Corpus Christi College, Cambridge, was read, and a hearing ordered before the board; action was taken on reports of committees concerning ten petitions or appeals from Jersey, Guernsey, Barbados, and Massachusetts Bay; on the advice of the lords commissioners of trade and plantations three public acts of New Hampshire were repealed; on report from the lords commissioners of the admiralty a pension was ordered granted to Lady Hopson; on report from the attorney general order was given to the secretary of state to prepare a warrant for passing

[185] S. P. D., Anne, xxviii, 415.

a patent to Benjamin Joules for his invention of wicker for flasks; a petition from Liverpool was referred to the lords commissioners of the treasury; various appeals and petitions were referred to committees.[186]

When George II became king the privy council was little more than a body for ratification of what had been elsewhere arranged or completed. There was now seldom a debate or an actual decision in the council itself. Most of the non-formal work which the council kept was now done by a committee of itself, the committee of the whole council. When a petition or a representation came to the council it was almost always at once referred. Often the reference was by a regular formula: "to a Committee of the Lords of His Majestys Most Honourable Privy Council." [187]

The character of much of the business of the privy council is well illustrated by what was done in a council of twenty-two held in 1737 in the presence of George II at St. James's: Philip, Lord Hardwicke, was sworn lord chancellor; an order of council approving the report of a committee on the board of trade's representation in respect of a tax laid on English subjects in Genoa; an order approving the report of the committee about granting a new charter to a borough; an act passed in St. Christopher for the regulation of vestries was approved on the report of a committee; a private act from Virginia was approved on report of a committee; an order approving the committee report on the appeal of a certain one about a matter relating to the East Indies; an order approving the report of the committee on the appeal of a person of Jersey; on report of a committee an order allowing a certain one in Rhode Island to appeal; reference to a committee of a representation of the board of trade

[186] P. C. R., lxxxvi, 27 August 1718.
[187] *Ibid.*, xc, 5 July 1727.

recommending that one specified be appointed to the council of Barbados; a petition of the bailiff, aldermen, and burgesses of New Radnor praying to be reincorporated and proposing certain ones to be the first officers referred to a committee; petition of the gentlemen, clergy, freeholders, and burgesses of the same place praying to be reincorporated and proposing persons to be the first officers referred to a committee; petition of the agent for Antigua praying for an increase of the forces in the Leeward Islands referred to a committee; the appeal of certain ones in Virginia referred to a committee. The committees in question were variously styled in the record: "a Committee of the Lords", "the Lords of the Committee of Council", "the Lords of the Committee of Council for Plantation Affairs", "a Committee of the Whole Council", "the Lords of the Committee of Council for hearing Appeales from the Plantations." [188]

Almost entirely had the council's work come to be reference and formal approval. In the years 1740 to 1745, for example, the work of committees was approved; business was referred to the committee of the whole council, to the lords of the committee of council, to the committee for plantation affairs, to the committee for hearing appeals from the plantations, to the committee for Jersey and Guernsey. But even such things as the discharging of ships from quarantine, the releasing of ships or goods from embargo, when done in a committee, were always ordered in council, and, if need were, a committee, would turn itself into a council for that purpose. Proclamations concerning parliament and other proclamations continued to be read and formally sanctioned in the council, and there were appointed officers, like the sheriffs and the *custodes rotulorum*. Most council business, however,—which now related to Jersey, Guernsey, the plantations, or

[188] P. C. R., xciv, 21 February 1736-7.

outlying possessions like Minorca and Bombay, and to matters concerning Ireland—was entirely managed in effect in the committee of the whole privy council or in committees with particular names which were actually committees of the whole council; while still other matters were referred to the admiralty, the treasury, or to various officials, the council receiving and almost always approving the reports and recommendations presented. Aside from purely formal function and approval, at this time the privy council seemed largely to exist for transaction of colonial business. Plantation affairs coming to the privy council were almost always referred to the committee of the whole council, the committee for the affairs of the plantations, the committee for hearing appeals from the plantations—all three were but several forms or aspects of the one committee of the whole council. The committee would then sometimes refer to the lords commissioners of trade and plantations. As the committee presently reported to the council so was the matter decided. Sometimes the board of trade reported not to a committee but to the council direct. Its recommendations also were generally sanctioned as given. Plantation business mostly had to do with appeals, petitions, colonial acts, appointment of colonial officials, instructions to them, and a great variety of orders.[189]

In 1746 the king in a council of seventeen at Kensington issued an order of council for the trial of every twentieth person, chosen by lot, from among those taken in the late rebellion. This measure, as well as the calling of a privy council, had been decided at a cabinet meeting held at the lord chancellor's two days before.[190] The council's own work was clearly diminishing in importance. In the years from 1746 to 1750 much of its non-formal activity had to do with orders relating to the quarantine of

[189] P. C. R., xcvi-xcix.

[190] S. P. D., George II, lxxxv, 23 July 1746.

distempered cattle.[191] In 1759 and 1760, during the great war, besides the usual routine—plantation business, the receiving of petitions and appeals—there were many small meetings of the council, the king not present, at which ships were released from quarantine, orders given to allow gun-powder to be transported to certain places, passes granted to ships to transport tobacco to France.[192] During January and February 1768 a great part of the business in privy council was concerned with quarantine, besides which there was consideration of Irish bills, trade and plantation matters, Alderney, the Isle of Man, various details, and the swearing of officials.[193] In 1779 and 1780 much of the business had to do with raising the embargo so that particular ships might sail, while there was also much discharging of ships from quarantine and sending of military stores.[194] In January, February, and July 1785 councillors were dealing with quarantine, plantations, trade, smugglers, Irish bills, and the Channel Islands.[195] During all this period most of the important affairs of the government were settled in the cabinet or in the smaller meetings of the principal ministers; while most of the activity of the privy council itself—not inspired by the greater ministers working elsewhere—took place in the committee of the council.

[191] P. C. R., c, ci.
[192] *Ibid.*, cvii.
[193] *Ibid.*, cxiii.
[194] *Ibid.*, cxxiv
[195] *Ibid.*, cxxx.

CHAPTER XXII

TEMPORARY AND PARTICULAR COMMITTEES OF THE PRIVY COUNCIL

"BOTH forraine and domesticall occasions daily rise wch are fitt to be considered of and dispatched, some by or Councell in grāall, some by a fewer number of them, according to the qualitie of the occasions", said James I in 1605.[1] In 1660, on complaint the person complained of appeared with a petition in a privy council of the king and twenty-three at Whitehall. "And, upon the whole matter, It being found, that it was a Business wherein many persons were concerned, and so would take upp some tyme fully to Examine & discover the Truth, It was thereupon Ordered by his Matie" that seven lords of the council, or any three of them, should be a committee to hear all the parties, and compose the dispute, or else report their recommendation to the board.[2]

During the Tudor period the device had sometimes been tried of employing a committee or part of the council to deal with less important matters and especially to undertake preliminary investigation and consideration of matters that could not be decided by the council at once.

In March 1552 the youthful Edward VI noted in his journal

> It was agred that for better dispach of thinges certein of the councel wth others joined wt them shuld overloke the penal lawes, and put certein of them in execution

[1] S. P. D., James I, xii, 9 January 1604-5.
[2] P. C. R., liv, 18 July 1660.

Elsewhere he gave a list of his council—thirty-one members besides nine to be added to "commissions": "The councelours aboue named to be thus deuided into seueral commissions, and charges." Of them ten "for hearing of those sutes wiche were wōt to be brought to the hole borde"; eleven "for calling of forfeites done against the lawes for punishing the offendours and breakers of proclamaciouns, that now stand in force"; twenty—all of them leading or important members—"to attend the matters of the state . . . to here the debating of thinges of most importaunce"; seven "shal loke to the state of all the courtes"; some were named for "the dettis"; others for "the Bulwarkes".[3]

At a meeting of the privy council in December 1558—at the beginning of the reign of Elizabeth—five committees were named, one of them, "For consideracion of all thinges necessary for the Parlyamente", reinforced by the judges, the serjeants at law, the attorney, the solicitor and others.[4] Under Elizabeth and afterwards under James was developed a system of committees of parliament which gradually made more effective parliamentary independence in respect of privy councillors and parliamentary opposition to the crown.[5] Doubtless such device has always been employed for convenience, whenever councils or other bodies have increased in size and when specialization begins to be conceived.

In the first half of the seventeenth century committees were used with increasing frequency to assist in performing the tasks of the council, and some of the committees

[3] Cotton MS., Nero, C. x. 55, 84, 85; J. G. Nichols, *Literary Remains of King Edward the Sixth* (Roxburghe Club, London, 1857), ii. 403, 498-502.

[4] *Acts of the Privy Council of England* (new series, ed. by T. R. Dasent), vii. 27, 28.

[5] Wallace Notestein, *The Winning of the Initiative by the House of Commons* (Proceedings of the British Academy, London, 1925).

achieved permanence and importance, developing—indirectly—into standing bodies or boards. During the civil wars and under the governments that followed, committees appeared in the various executive councils, and as times became settled again such committees were more important. After 1660, when the privy council seemed to have its old position once more, committees, temporary and standing, were increasingly used. In the closing years of the seventeenth century more and more was the council work transacted in committees of the council, and there was already a tendency for all the preliminary work of consideration, investigation, much of the debate, and, indeed, all but the formal decision, to be made in the particular committees or else in what was technically the council sitting as a committee of the whole council. During the eighteenth century, except for ceremonial sanction, what remained to the privy council was almost entirely given over to committees which by that time were virtually all of them committees of the whole council. That is to say, in course of time council activity had been transferred very largely from the council to its committees. Furthermore, the cabinet, which so largely superseded the council, was in origin one of the committees.

During the seventeenth century "committee" came to have collective meaning, and was used to designate a group. In origin it signified merely an individual to whom some task had been given or committed. In this sense the word was used in connection with the parliament and the privy council. In 1575 in the house of commons, a bill against excess in apparel was read a second time, "and committed unto all the Privy-Council being of this House." [6] In 1601, during a debate in the commons, a member told Raleigh he could not be heard: let him speak

[6] Sir Simonds D'Ewes, *Journals* (London, 1682), p. 258.

standing that the house might understand him better. "Sir *Walter Raleigh* said that being a Committee, he might speak either sitting or standing, and so repeated over again the former Speech." Shortly after a member declared during a debate upon a bill: "I think that he that is against the Body of the Bill can be no Committee; And he that being a Committee speaketh against the Bill, may also speak hereafter in the House." [7]

A number of men so appointed were "committees". "That which is spoken at the Committees, *evanescit*, it is gone", said a speaker in the commons in 1601, "when the body which is the Commitment is dissolved; and then every particular Committee is no more a part of the artificial body but of us the general body." [8] In 1618 a memorial about alleged abuses in trade was humbly presented by the Merchant Adventurers to the "right honorable Councell Committees". [9] Next year a letter was directed to "the right ho^{bl} the Lords Co̅mittees from the Boarde for the Busines betweene the Marchauntes Adventurers and the Cinqe Portes." [10] In 1623 at a meeting of the privy council one of the members reported "how far he and the rest of the Committies vizt the lo: Brooke, the M^{r} of the Rolles and Sr Edward Conway" had proceeded in the hearing of a cause. [11] Some years later there was a "Report of the right Hono^{ble} the Lords Co̅mittees of the Councell of Warr unto his Matie concerning Armes." [12] A little after a petition was addressed "To the right ho^{ble} the Lords & others Co̅mittees for his Maties Counsell of warr." [13] In 1633 there was an order "By the Lords Co̅mittees for the Busines of the Cathedrall Church of St Paule." [14] In 1641 Sir Edward Nicholas wrote to Sir

[7] D'Ewes, pp. 630, 635.
[8] *Ibid.*, p. 635.
[9] S. P. D., James I, xcvii, 19 April 1618.
[10] *Ibid.*, cxi, 5 November 1619.
[11] P. C. R., xxxi, 20 January 1622-3.
[12] S. P. D., Charles I, xxviii, 19 April 1630.
[13] *Ibid.*, clxxvi, 4 December 1630.
[14] P. C. R., xlii, 4 February 1632-3.

Henry Vane that the "Committees" to be sent to the parliament of Scotland were three, whom he named.[15] This usage long continued, though the meaning was changing. In 1679 "The Lords Committees of this Board" were referred to in the register of the council.[16] There was a report by "the Lords Comittees of Councell for fforreigne Intelligence", and another from "The Right Honble the Lords of the Committee of Trade & Forreigne Plantacons.[17]

During the seventeenth century committees of the privy council were either temporary committees, for some particular business, or standing committees, for the management of all business of a particular kind. During the eighteenth century most of the committees were but different names for the one committee of the whole privy council or else different aspects of it. There was by that time—save for the cabinet council which was no longer formally appointed as a committee of the privy council—generally but one standing committee; temporary and "select" committees became less and less frequent; and when they appeared were apt to be little distinct from the committee of the whole council. It is proposed to study the different committees in turn and in detail.

Committees were appointed for particular business under James I. In 1604 the French ambassador wrote that the king had chosen four of his council to treat concerning peace with Spain, the meetings to be held in Somerset House where the Spanish ambassador was lodged.[18] In 1616 certain business concerning merchants trading into Eastland was referred to the attorney gen-

[15] *Nicholas Papers* (Camden Society, new series, xl), p. 17.

[16] P. C. R., lxviii, 6 June 1679. [17] *Ibid.*, 20 June 1679.

[18] "Le Roy a choisy pour commissaires de son conseil affin de traicter de la paix auec ceux du Roy d'Espagne et de l'Archiduc". M. de Beaumont to the king of France, 29 May 1604 (N. S.): Transcripts from Paris, xxxvii. 128.

eral. The parties concerned were not satisfied with his report, so the council asked three of its members to examine the matter further and settle it, reporting to the board for further authority if need should arise. Afterward the report was made and allowed in council.[19] About this time the privy council considered a question between the skinners and the tanners that had been previously referred to three of the council—the lord treasurer, Viscount Wallingford, and a secretary of state.[20] On another occasion, when a merchant of London complained to the king of losses at the hands of Dutchmen, James commissioned four of the council to examine into the affair.[21]

In 1618 certain ones who proposed to grow hemp in Ireland asked the king to grant them 12,000 acres of land in fee farm: "fforasmuch as the Matter is of greate Consideracon, and requireth time to examine and ballance every parte and Circumstance of the sayd Overture; Their Lo^pps haue thought fitt to referre the same vnto the Lo: Treasorer of England, Earle of Arundell, Lo: Carew, Mr Secretary Lake and Mr Chancellor of the Excheq^r the sayd Comittees to call vnto them" the projectors, and then report their opinion to the council.[22] Shortly after the "Lordes Comittees" who had under consideration a complaint by the justices of Somersetshire about decay of trade, held a meeting at which five were present.[23] On another occasion James in a council of nineteen referred "vnto a particular Committee of this Boord"—consisting of eleven members, or any five of them—further con-

[19] P. C. R., xxviii, 26 May, 5 June 1616. [20] *Ibid.*, 13 November 1616.

[21] "Lors que Thomas Boothby Marchant de Londres feist ses premieres plainctes des pertes qu'il auoit soustenües dans Le Havre de Crooke en Irland par Moüy Lambert vn de vos Ministres et ses Complices, sa Ma^te auoit commis quatre de nostre Corps pour examiner l'affaire." Letter from the privy council to the government of the United Provinces, 20 March 1616-17: *ibid.*, xxviii.

[22] *Ibid.*, xxix, 10 March 1617-18. [23] *Ibid.*, 2 July 1618.

sideration of the state of the navy; they were to meet at Whitehall on the following Saturday and also the Monday after.[24] In 1621 on a report from a committee of three to any two of whom had been referred a petition from merchants trading to Russia, an order was given in council.[25] In 1622 in a council of twelve at Whitehall, a petition being presented about certain leases of Tower Wharf, "It was . . . thought meete, that some Comittees should be appointed by the Boarde, to treate of some recompense to be given." Accordingly six members of the council, or any three of that number, were appointed; and a few days later four of them held a meeting.[26]

"This day", says the register at the beginning of the reign of Charles I, "the Committees specially appointed by his Ma^ty^ to consider of the businesses concerning the Plantacon of Virginia" held a meeting, at which six were present—the lord treasurer, the lord president, the lord chamberlain, the earl of Conway, who was secretary of state, the chancellor of the exchequer, and the master of the rolls, showing that the committing of council work was no mere delegation of work to unimportant members of the board.[27] There is, apparently, no record of the appointment of such a committee by Charles I. It should be said that during all this period, unlike what afterwards prevailed, there is often no record of the appointment of committees in the council; and their existence is sometimes not to be known unless there is record of them elsewhere or until there is afterwards some allusion to their work in the register of the council. In 1626, for better expediting his majesty's service in matters concerning privy seals, it was ordered in council at Whitehall, that the treasurer and the comptroller of the household, the master of the wards, Secretary Coke, the chancellor of

[24] *Ibid.*, 29 September 1618.
[25] *Ibid.*, xxxi, 19 October 1621.
[26] *Ibid.*, 8 May, 4 June 1622.
[27] *Ibid.*, xxxiii, 11 April 1625.

the exchequer, the master of the rolls, and the chancellor of the duchy, or any three of them, should peruse and examine the certificates returned about the privy seals.[28] A little later the king in council ordered that whereas "a Comittee" had been appointed concerning privy seals and free gifts, no more privy seals were to issue until the committee had reported to the council.[29]

In the summer of 1626 Charles I appointed a committee of his council to consider the royal finances: how to increase revenue and reduce expenditure. The members included the lord treasurer, the chancellor of the exchequer, the chancellor of the duchy, and Secretary Coke.[30] In November a dispute about fisheries in the North Sea between the Muscovy Company and merchants of Hull and York, was referred from the privy council to a committee of twelve of the more important members, or any five of their number. In the course of three weeks the matter had been debated before "diuers of the Comittees."[31]

During the period of the civil wars king and privy council disappeared from the government of England, which parliament strove to administer, delivering some of the executive and administrative work to what was virtually a committee of the house of commons. In February 1649, after the commonwealth had been set up, a council of state was established by parliament, to have charge of much of the executive and administrative work, and replace, to some extent, the old privy council. Almost at once committees of the council of state were appointed. Numerous

[28] P. C. R., xxxiv, 7 September 1626. [29] *Ibid.*, 10 September 1626.

[30] "No less care is taken for settling the revenue and charges of the Crown. To which end yesterday a committee was directed by His Majesty sitting himself in Council and alone nominating all the Commissioners, and setting down all the heads which are to be considered of." Sir John Coke to Lord Brooke, 2 July 1626: *Coke MSS., H. M. C.*, 12th report, appendix, i. 273.

[31] P. C. R., xxxiv, 15 November, 6 December 1626.

ad hoc committees—for consideration of some particular business—were named, but apparently no standing committees at first.[32] In March it was ordered "That Lieuten^{t} Gen^{ll} Cromwell, & Mr Scot be a Com̄ittee to speake wth Colonell Mervyn & receive any papers from him concerning Ireland."[33] In 1653 a considerable part of the business of the council of state consisted in receiving petitions, and referring them to the commissioners of the admiralty and to various committees of the council, or else considering them itself.[34]

So also under the protectorate, with the council of the protector, presently known again as the privy council. In April 1654 the protector's council ordered that an additional ordinance for the excise should be referred to the committee to which the former ordinance for the excise had been referred.[35] For consideration of petitions committees, sometimes large ones, were appointed. In 1654 the petition of Sir John Glanville was referred to a committee of eight, or any three of them.[36] About the same time five council members or any two of them, were appointed a committee to suppress tumultuous meetings of the Quakers.[37] In 1655 Sir Charles Wolseley gave a report to the council from a committee that had considered the sending of butter and cheese beyond sea: "on reading whereof it was put to the Question whether the said report should be agreed wth or no"—not accepted.[38] At another time it was ordered "That a Comittee be appointed to attend his Highnes upon the Debate of the busines this day Communicated by his highnes to the Councell upon the audience of the Swedish Amb^{r} to prepare something to be further Considered of." The committee contained

[32] For example, S. P. D., Interregnum, I 62, 27 February, 1 March 1648-9.
[33] *Ibid.*, 10 March 1648-9.
[34] *Ibid.*, I 70, I 71.
[35] *Ibid.*, I 75, 12 April 1654.
[36] *Ibid.*, I 121, 8 June 1654.
[37] *Ibid.*, 14 June 1654.
[38] *Ibid.*, I 76, 7 June 1655.

six members of the council, the quorum any three of them.[39] In 1656 "the Comittee of the Councell for the Busines of Moneyes" made a report to the council.[40] Following the death of Oliver Cromwell the privy council appointed a committee to treat with the Dutch ambassador.[41]

After the restoration of the privy council of the king in 1660 numerous temporary committees were appointed. In June eight councillors, of whom any three or more would be a quorum, were appointed to consider proposals from the duke of York, one of their number, for regulating the navy.[42] A week later this committee reported, and an order in council was then given for reorganizing naval administration.[43] At Whitehall shortly after,[44]

> It is this day Ordered by his Ma^{ty} sitting in Councell that the Lord Generall Monck the Earle of Northumberland the Earle of Berkshire Lord Roberts Lord Seymour Mr Secretary Morris Mr Arthur Annesley or any three or more of them be a Com^{ee} to consider of certaine proposalls humbly offered to his Matie for the Raising of 500^{li}000 for the paym^{t} of his Maties Royall Army & Navy which Com^{ee} is to Certify their Opinions unto his Matie concerning the said proposalls with all Convenient Expedition and to meet at such time and place as they shall think fitt to appoint for that purpose.

Somewhat later there was a committee of the council appointed to treat with the Spanish ambassador and another to treat with the Dutch ambassador.[45]

The dates of appointment of committees together with their purpose and the lists of the names of their members usually appear in the register from this time on. After

[39] S. P. D., Interregnum, I 76, 2 November 1655.
[40] *Ibid.*, cxxvi, 3 April 1656.
[41] *Ibid.*, I 84, col. 9.
[42] P. C. R., liv, 27 July 1660.
[43] *Ibid.*, 4 July 1660.
[44] *Ibid.*, 11 July 1660.
[45] S. P. D., Charles II, xxi, 14 November 1660.

1660 there is frequent record of such appointment. How numerous were the committees now established is evident from a "List of Comittees of the Councel till 64 Nov.", drawn up, perhaps, for one of the clerks or secretaries, and afterwards put aside with various other state papers. It gives account of fifty-four committees temporary and standing.[46] Another longer list of "Comittees appointed by the Councell Boord" for the years 1660-1667, exhibits a great variety of committees. Altogether it notices seventy-two temporary and standing committees. Among others are: a committee for Denmark and the Hansa Towns, a committee for his majesty's coronation, one for the navy, one for Spain; others for the affairs of the prince of Orange, for the plantations, for New England, for Tangier, for postmasters, for Bombay, for disposing of £60,000 among poor cavaliers, concerning the exportation of stained cloths, for preventing infection by the pestilence, for fishing in Newfoundland, for the merchant adventurers, for navigable rivers, for erecting a bridge at Putney over the Thames, for the tin farm, for the militia.[47]

In 1661 in a council of the king and twenty-two at Whitehall, a committee of twelve was appointed, of which the quorum was four, to settle the government of New England.[48] In April 1663 was appointed a "Com^tee to administer the Oaths of allegiance and Supremacy [in addition?] to the Oath of a Privy Councellor to Wm Ld Arch B^pp of Canterbury", containing eight members, of which the quorum was six. The same day the privy council ordered this committee to hold a council at Lambeth and administer the usual oaths of a privy councillor to the archbishop. Three days later they "sate in Councell", administered the oaths, and the archbishop took his place

[46] *Ibid.*, civ. 139-48.
[47] *Ibid.*, cclxxvi. 374-82.
[48] P. C. R., lv, 17 May 1661.

at the board.[49] In 1667 a committee was appointed to consider the king's revenue and his expenses.[50]

Early in 1668 Charles II appointed several important standing committees of the privy council for the regular handling under the council of stated categories of business. Standing committees had already been appointed during his reign; and older councillors, perhaps, remembered that a great deal of business in the time of Charles I had been managed by like committees of the council. After 1668 much committee business was transacted in the important standing committees, such as the committee of foreign affairs, the committee for Ireland, and others. Yet temporary and particular committees continued to be appointed, and sometimes there were many of them during the course of a year. In the very order of council in which the king specified his new standing committees he noted the necessity also of the others: [51]

> Besides which aforesaid Committees, if there shall happen any thing Extraordinary, that Requires Advice, of any Mixt nature, other then what is afore determined. His Ma^{tys} Meaning and Intention is, That particular Committees be in such Cases Appoynted for them, as hath been hitherto accustomed; And that such Committees do make their Report in Writing, to be offered to his Ma^{ty} the next Councill day following.

In 1668, on information that many robberies were daily perpetrated on highways in different parts of the kingdom, so that people could not travel safely nor country folk resort to the markets, the king appointed a committee of five to consider and report on more effectual means of suppression.[52] Next year a committee of five of the important members of the council was appointed to con-

[49] S. P. D., Charles II, civ, 3 April 1663; P. C. R., lvii, 3, 6 April 1663.
[50] P. C. R., lix, 29 July 1667.
[51] *Ibid.*, lx, 12 February 1667-8.
[52] *Ibid.*, lxi, 20 November 1668.

sider matters relating to the naturalization of foreign ships.[53] In 1675, in a council of the king and twenty-five at Whitehall, a committee of fourteen, of which five or more could be a quorum, was appointed for retrenching the royal expenses.[54] In 1678 a committee was appointed to examine all information relating to the Popish Plot.[55]

In 1689 the king appointed nine of the council a committee to consider methods of giving notice to foreign princes of his majesty's accession to the crown.[56] A little later it was ordered by William in council that eleven councillors, or any five of them, should be a committee to consider the coronation.[57] Later still the two secretaries of state and five others were named a committee of the council to prepare rules for the safety of the Tower and for keeping the prisoners there.[58] Shortly after, the king in council at Hampton Court declared the two secretaries and four other members of the council a committee to consider what should be said to the judges about to go out on circuit.[59] In 1691 ten of the council, or any three of them, were put on a committee to find expedients for securing the streets of London against robbers.[60] Some months after, sixteen of the council were appointed to investigate the embezzlement of prizes taken during the war. On this committee were the archbishop of Canterbury, the bishop of London, several noblemen and various important officials.[61] The same year twenty-two of the council, including many of its important members, were constituted a committee to examine the by-laws of the Hamburg Company.[62] In 1694 a difference between the earl marshal and the lord chamberlain was referred from

[53] *Ibid.*, 2 April 1669.
[54] *Ibid.*, lxv, 24 November 1675.
[55] *Ibid.*, lxvi, 4 December 1678.
[56] *Ibid.*, lxxiii, 16 February 1688-9.
[57] *Ibid.*, lxxiii, 26 February 1688-9.
[58] *Ibid.*, 6 June 1689.
[59] *Ibid.*, 1 July 1689.
[60] *Ibid.*, lxxiv, 19 February 1690-1.
[61] *Ibid.*, 30 July 1691.
[62] *Ibid.*, 3 November 1691.

the privy council to a committee of ten of its members.[63] Later that year ten members of the council, or any three of them, were appointed a committee about the funeral of the queen.[64]

During William's reign was noticeable a tendency more marked later on: temporary committees of limited membership—and standing limited committees of the council also—were appointed less and less; a great part of the work of the council was being done in committees, but these committees were most of them merely modes of the somewhat elusive committee of the whole privy council which now appeared so constantly under various aspects, while there was also the more mysterious "committee" or "committee of council", which was sometimes closely associated with the cabinet and more often identical with it. In 1696 and 1697, for example, besides the committee of the whole council the register of the council has virtually nothing about committees save the committee of Jersey and Guernsey.[65] And this body also was fast merging into the committee of the whole council.

In the first privy council of Anne it was ordered by the queen at St. James's, that thirteen of the important members of the council along with such of the gentlemen of the late king's bedchamber as were of the privy council, should be "a Committee to take Care of the Disposall of the late Kings Body."[66] A few weeks later the queen in Council at Whitehall ordered that eighteen of the council, or any five of them, should be "a Committee of this Board, to consider of the manner of the Coronation", and report to the queen in council.[67] At this time and afterward it might seem that such committees were striking examples of what now remained of the particular,

[63] P. C. R., lxxv, 29 March 1694.
[64] *Ibid.*, lxxvi, 30 December 1694.
[65] *Ibid.*, lxxvi.
[66] *Ibid.*, lxxix, 8 March 1701-2.
[67] *Ibid.*, 26 March 1702.

temporary committees of the privy council. Actually, however, they also were coming to be aspects merely of the committee of the whole council.

Yet the idea of *ad hoc* committees of limited membership continued, though in practice they became less and less distinct from the committee of the whole council. In 1707 Godolphin wrote to Harley: "Why might there not be a particular Committee of Council appointed to consider how the government of Scotland shall be carried on till the Parliament of Great Britain shall otherwise provide?"[68] In 1708 in a privy council of twenty at Whitehall

> The Lords of the Privy Councill being met by Her Majesty's Command to Consider of the Interrment of His Royall Highness Prince George of Denmark, Have thought fit to appoint a Committee of several Persons, viz. Lord Treasurer, Lord President, Lord Steward, Duke of Somerset, Lord Chamberlain, Earl of Sunderland, Earl of Bindon, M Secretary Boyle and M[r] Chanceller of the Exchequer

or any three of them, to consider precedents therefor.[69] Next year the queen in a council of thirteen at St. James's named thirteen of the council a committee for considering a bill from Ireland, they to give their opinion to her in council.[70] Doubtless this was no more than reference to the council of something that the queen wished debated and examined without necessity of her own presence. A month later, in a privy council of thirteen at Windsor, Anne ordered that fourteen members of the council should be a committee to consider several parliament bills from Ireland. Of the thirteen members previously appointed to be a committee for one Irish bill eleven were put on the new committee, only the duke of Marlborough and the

[68] Letter of 22 April 1707: *H. M. C., Bath MSS.*, i. 171.
[69] P. C. R., lxxxii, 30 October 1708. [70] *Ibid.*, 9 June 1709.

earl of Wharton not being named from the previous group, while Lord Coningsby and the two chief justices were added.[71] A few weeks later in a council of seven at Windsor, the queen ordered two Irish private bills to be referred to "the Lords of the Committee of this Board appointed to Consider of the said Bills". This might seem at first glance to be a particular committee of limited membership. Yet when next day, "pursuant to Her Ma[ts] above Order" the two bills were considered, it was by "The Lords of the Committee"—which was coming to be the usual formula for designation of the committee of the whole council; and at the meeting, out of the thirteen present, eight were members of the council who had not been named on the particular committee previously appointed.[72]

When a limited committee of the council was conceived of now for particular purpose it was designated a "select" or a "particular" committee. In 1710, in a council of the queen and seventeen at Kensington, Irish bills were referred to "a Select Committee". In this case eighteen members of the council "are hereby Appointed a Committee".[73]

During the Hanoverian period select committees continued to be named, though nearly all council work done in committee was done in the committee of the whole council attended by such members as chose to attend. Generally during this time committees with titles of their own were merely phases of the committee of the whole council, into which select committees easily merged. Select committees now were always temporary—save for those appointed to consider Irish bills, some of which were temporary while others might, perhaps, be thought of as standing for a brief time.

[71] P. C. R., lxxxii, 10, 11 July 1709.
[72] *Ibid.*, 7, 8 August 1709.
[73] *Ibid.*, lxxxiii, 10 July 1710.

In 1716 George I in council at St. James's received several bills and letters from the privy council of Ireland. Eleven members of the council were named "a Comittee to Consider thereof".[74] A little later the king in council at St. James's referred several bills lately transmitted from Ireland to eleven members of the council, "Who are hereby Appointed a Committee to Consider thereof". In the margin of the register beside this minute is the summary: "Ireland. Publick Bills referred to a Select Comittee of the Councill".[75] In 1717 the king, in a council of nine at Hampton Court, referred certain Irish bills to the attorney general and the solicitor general to examine them and then report their opinion to fourteen members of the council, "Who are hereby appointed a Committee" to consider and report to the king in council.[76]

From time to time such committees were appointed for other purposes also. In 1719 George I in council at St. James's appointed seventeen councillors to be "a Comittee" to consider the form of a commission for visiting the University of Cambridge to investigate and determine the matter of the petition of Dr. Bentley against the vice chancellor of Cambridge.[77] Previously this affair had been dealt with by the committee of the whole council. In 1720 a petition of inhabitants of Hertford complained against the proceedings of the recorder of the borough, and asked for relief. In a council of sixteen at St. James's the king referred this petition to "a Select Comittee", consisting of thirteen of the council, and somewhat later two more were added.[78] Shortly after the body was referred to as "a Speciall Committee of the Lords of his Majestys Most Honble Privy Council".[79]

In 1723 in a council of twelve in the council chamber at Whitehall, the twelve members present, or any three of

[74] *Ibid.*, lxxxv, 6 January 1715-16.
[75] *Ibid.*, 6 April 1716.
[76] *Ibid.*, lxxxvi, 17 October 1717.
[77] *Ibid.*, lxxxvi, 9 May 1719.
[78] *Ibid.*, 22 March 1719-20, 12 July 1720.
[79] *Ibid.*, 14 July 1720.

them, were appointed "a Committee" to examine the bills which had been transmitted from Ireland or which should be sent over later. From time to time they were to report to the council board.[80] Specifically this would seem to be instituting a limited committee on Irish legislation, but actually it was little more than directing the attention of the members of the privy council to business of a certain kind. Shortly after, indeed, sixteen more, including the important members of the council, were added to the committee on Irish bills.[81]

In 1727 eighteen of the privy council were appointed a committee to examine the bills lately sent over from Ireland. Three were to be a quorum. The committee was to report to the king at the board with such alterations and amendments as they thought proper.[82] Next year George II in council at St. James's appointed eighteen members of the council, or any three of them, a committee to examine Irish bills.[83] Two years later the king in a council of seven at St. James's appointed sixteen of the members, or any three of them, a committee to examine the bills sent from Ireland, together with the reports of the attorney general and the solicitor general thereon, after which the committee was to represent to the king in council such amendments to the bills as were thought to be proper.[84]

Apparently now a select committee of the council on Irish bills was appointed for each session of the Irish parliament. In 1731 a committee of eighteen of the council was appointed to examine "the Bills which are or shall be transmitted from Ireland during the present Session of Parliament there."[85] So, two years later in a council of seven at St. James's, the king named a committee of

[80] P. C. R., lxxxviii, 14 November 1723.
[81] *Ibid.*, 31 December 1723.
[82] *Ibid.*, xc, 29 July 1727.
[83] *Ibid.*, 15 February 1727-8.
[84] *Ibid.*, xci, 25 November 1729.
[85] *Ibid.*, 25 November 1731.

seventeen.[86] Regularly thereafter, every two years, were such committees appointed: in 1735 eighteen, or any three; in 1737, nineteen, or any three; in 1739; in 1741, twenty, or any three; in 1743, twenty-two, or any three; in 1745; in 1747; in 1749, eighteen, or any three; in 1751; in 1753, eighteen, or any three; in 1755; in 1757, twenty-eight, or any three; in 1759; in 1779, when the council contained ninety-seven members, thirty-six, or any three of them; in 1785 thirteen, or any three.[87] Formally, then, every two years was established to consider Irish bills a select committee that might be thought of as temporary or as standing with brief duration; but actually—since at various meetings was transacted other business assigned to committees of the whole council and since sometimes meetings were turned into privy councils—to increasing extent the committee of the whole council was this committee for Irish bills.

Occasionally the committee of the whole council itself appointed a committee or part of itself, which was in effect a select committee of the council. In 1739 "a Sub-Committee of the Lords of the Council appointed to Consider of Establishing Courts for Civil and Criminal Causes at Gibraltar" sat in the council chamber at Whitehall.[88] Meanwhile ordinary select committees occur less and less.

[86] *Ibid.*, xcii, 27 November 1733.

[87] *Ibid.*, xciii, 6 November 1735; xciv, 29 November 1737; xcv, 22 November 1739; xcvii, 3 December 1741; xcviii, 19 November 1743; xcix, 7 November 1745; c, 4 November 1747; ci, 23 November 1749; cii, 31 October 1751; ciii, 14 November 1753; civ, 11 November 1755; cv, 28 October 1757; cvii, 9 November 1759; cxxiv, 10 November 1779; cxxx, 7 February 1785. In 1732 Viscount Percival asked Horace Walpole "if he were not of that branch of the Privy Council which compose the Committee on Irish affairs. He said, No; that the Lord President names them; but that his Lordship left him out lest he should at the same time be obliged to name also the Speaker": *H. M. C., Diary of the Earl of Egmont*, i. 232.

[88] P. C. R., xcv, 22 June 1739.

In 1747 there was an "Order Appointing a Select Committee to Examine into the Affair of the three Privateers Stopt in the Downs"; but this was no more than some of the "Lords of the Committee for Foreign Affairs." [89] This committee of foreign affairs was technically the one important particular or select committee of the privy council that had survived. But while legally and technically it had survived, most men had forgotten it, and knew the body thus designated only as the cabinet council. And so far had oblivion spread that men high in the government about this time could ask what the cabinet was and whether it was or was not a committee of the privy council. In 1757 a writer, who was criticizing governmental conditions then, adverted to the reform of the privy council that had once been made by Charles II. "Yet this new Council", he said, "as constituted in 1679, seemed to want many of the Requisites necessary for establishing a future Regulation of Committees of Council, or for ascertaining the due Course or Order of Business to be observed at the Council Board . . . However, it is probable that it was not the King's Intention to carry the said Orders and Regulations into Execution, for they were not observed in the remaining Part of his Reign; and that this Alteration was made at the Council-Board to quiet the Minds of the Subjects, and to silence the Opposition which had been given in Parliament to foreign Committees." [90]

Committees of the council met in various places. As a rule, standing committees were apt to have their regular place for meeting, but the various temporary, particular committees met where it was allowable and convenient to meet. The most frequent place of assemblage for various

[89] P. C. R., c, 6 March 1746-7.

[90] *The Fatal Consequences of the Want of System in the Conduct of Public Affairs*, pp. 49, 50.

committees, perhaps, was the privy council chamber at Whitehall, and to a lesser extent the council chamber at other palaces of the king, the chamber naturally being a most convenient place when the council itself was not sitting there. In 1661 there was a meeting of a committee in the chamber at Whitehall.[91] A year later a committee of the council was appointed to meet the agents of the duke of Mecklenburg and the duke of Courland:[92]

> Memorandum, That the Lords of the Privy Councell abovenamed sitting all of them on the one side of the Counsell Table; these two Agents, ffirst the one, & afterwards the other, severally called in; made their Speeches, & then did reade, & afterwards deliver their Memorialls in Writing, standing Uncovered on the other side of the Table, the Lords sitting also Uncovered whilest these Agents were p^{r}sent.

In 1677 "a Committee was held at the Councill Chamber about some differences between the English & Portuguese at Bombain."[93] In the summer of 1679 the Dutch ambassador wrote that the weekly meetings of the privy council at Hampton Court had been discontinued for six weeks, but some committee members met twice a week at Whitehall.[94] From 1695 to 1700 the committees of which meetings are noted in the register almost always met at Whitehall.[95] For the most part this was so in other years, for example, 1705.[96] Such meetings were frequently held in 1731 and 1732.[97] In 1756 "the Right Honourable the Lords of the Committee of Council for hearing Appeals from the Plantations &c^{a}" met in the council chamber at Whitehall.[98] So did the committee for hearing appeals

[91] P. C. R., lv, 5 April 1661. [92] *Ibid.*, lvi, 12 August 1662.
[93] S. P. D., Charles II, cccxc, 16 January 1676-7.
[94] "Ende alleen eenige weynige Commissarisen tweemael des weeks tot Withal vergaderen." Van Leeuwen to the states general, 22 August 1679 (N. S.): Add. MS. 17677 EE, fo. 205.
[95] P. C. R., lxxvi, lxxvii, lxxviii. [96] *Ibid.*, lxxx.
[97] *Ibid.*, xci, xcii. [98] *Ibid.*, cv, 19 February 1756.

from Jersey and Guernsey about the same time.[99] But in these later instances it was a meeting of the committee of the whole council under a particular name.

On other occasions select committees sat in other places. In 1665 a committee appointed to consider trade and commerce between England and Scotland met at Southampton House.[100] "Ord^{r} is this day giuen", says Sir Joseph Williamson in 1667, "for a Comittee to meet at My lord Keepers Lodgeings to consider of the Trade wth Scotland, & to regulate all differences between the two Nacons."[101] In 1673 the committee for the affairs of Hamburg met at Exeter House.[102] A warrant for expenses granted to keepers of the council chamber in 1705 for money which they had disbursed "in their Attendance on Councills and Committees at Hampton-Court, Windsor and Kensington" took account of twenty-three committee days at Windsor and four at Kensington.[103] In 1709 the committee appointed to deal with Irish bills met at Windsor.[104]

It is less easy to say how often these committees assembled than to study council meetings, since the records are so much less full. Some committee meetings are noted in the council register, but for a long time few appear there, and while some of the standing committees kept regular minutes of their own which remain, generally the student must draw his conclusions from scattered minutes found occasionally, at random in various places. Almost always, it would seem, some committee or other was sitting. In 1677 the earl of Anglesey was constantly going to committee meetings as well as to meetings of the council. He mentions nine committees of the council, especially the committee of trade, the committee of Tangier, the

[99] P. C. R., cv, 6 March 1756. [100] *Ibid.*, lviii, 27 May 1665.

[101] Sir Joseph Williamson's Journal, 13 September 1667: S. P. D., Charles II, ccxxxi. 55.

[102] S. P. D., Charles II, cccxxxvi, part i, 14 July 1673.

[103] P. C. R., lxxx, 9 July 1705. [104] *Ibid.*, lxxxii, 8 August 1709.

committee of Jersey and Guernsey, the admiralty committee—all of them standing committees of importance, the committee for Lord and Lady Leigh, and the committee for the Princess Mary's marriage.[105] His diary is replete with mention of council and committee:[106]

2 January The morning spent at the councel com^{ttee} after noon in businesse at home and had many visitants & did dutyes.

3 January The morning at Councel Com^{ttee} after noon at Councel. . .

4 January The whole day spent at Com^{ttee} of councel and Admiralty and other busines and dutyes.

"I am afraid", writes one of the clerks of the council in 1683, "it will not be possible for me to wait on y^{r} Lo^{p} so soon, the Committees wherein I am concerned being yet very frequent here."[107]

For the most part meetings of the principal standing committees were held regularly on appointed days. The temporary committees were directed to assemble at a certain time, and afterwards bidden to meet when desired or else they were specially summoned. When the committee to examine the state of the navy was appointed in 1618 it was commanded to assemble on the Saturday and the Monday following.[108] In 1661 "It is this day Ordered his Matie being present in Councell that the Committee of the Board appointed to consider of the State of his Maties Magazine do meet to morrow at two of the Clocke in the Afternoone for th^{t} Purpose."[109] In 1681 the

[105] Diary of the Earl of Anglesey: Add. MS. 18730, *passim* for the year 1677.

[106] For example, *ibid.*, 2, 3, 4, January 1678-9.

[107] William Blathwayt to the earl of Conway, 12 June 1683: S. P. D., Charles II, ccccxxiv.

[108] P. C. R., xxix, 29 September 1618.

[109] *Ibid.*, lv, 1 March 1660-1.

secretary of state wrote that there would be a committee sitting the next morning.[110]

As committees met on various days, so they met at various hours: some in the morning, some in the afternoon, some in the evening, as convenience or necessity dictated. In 1661 a committee met at ten o'clock in the morning at Whitehall, and immediately after the council itself was held in the same place.[111] "The morning spent at Com^{ttee} of Council and at Tangier Com^{n}", wrote the earl of Anglesey in 1676.[112] In 1731 and 1732 committee meetings were often held in the evening in the privy council chamber at Whitehall.[113]

The size of the committees varied greatly. Generally speaking, the committee was smaller than the council, except that the committee of the whole council embraced theoretically all the members of the board. Actually, however, committees were often appointed that were larger than the meeting of the council at which appointment was made. Sometimes also attendance at a committee meeting was larger than at the privy council that preceded or followed.

A committee of five was appointed to treat with the Spanish ambassador and the ambassador of the archduke in 1604.[114] Three were named a committee to consider the business of the Eastland merchants in 1616.[115] In 1618 eleven members of the council were constituted a committee to examine the state of the navy.[116] In 1625 a committee of six was to consider certain Virginia business.[117] Next year a dispute was referred to a committee of twelve members of the council.[118] In 1675 fourteen

[110] S. P. D., Entry Books, lxii, 15 April 1681.
[111] P. C. R., lv, 5 April 1661.
[112] Add. MS. 18730, 7 July 1676.
[113] P. C. R., xci, xcii.
[114] Transcripts from Paris, xxxvii. 128.
[115] P. C. R., xxviii, 26 May 1616.
[116] *Ibid.*, xxix, 29 September 1618.
[117] *Ibid.*, xxxiii, 11 April 1625.
[118] *Ibid.*, xxxiv, 15 November 1626.

were appointed a committee for retrenching the king's expenses.[119] In 1689 a dispute at Winchester was referred to a committee of seven.[120] The committee named to examine the by-laws of the Hamburg Company in 1691 contained twenty-two members.[121] In 1723 a committee to consider Irish bills consisted of twenty-eight members, and a similar committee in 1757 had the same number.[122] Members of committees were appointed by the sovereign, almost always when he was present in council. But frequently, without doubt, the actual nomination was made by the council or the principal officials thereof. In 1665 a list of fourteen names, " Comss^{n} for Appeales for Prizes or any 4 ", has the endorsement: " Comissioners for Appeales to be proposed to the King." [123]

The composition of the committees varied. Generally, important and active members were appointed, even when the business was of lesser importance, perhaps because only the active and important councillors would get the business done. Accordingly, on any number of committees at the same time there was apt to be, roughly, a nucleus of the same members, a situation which led inevitably to the development of the committee of the whole council. That is, as time went on, instead of appointing particular committees of definite membership, it was found as convenient to commit the business of whatever kind to a committee of all the council, since in any case it often resulted that only some of the councillors would attend, whether on one committee or another. None the less, if for any period the membership of a number of committees be studied, it will generally be found that their total mem-

[119] *Ibid.*, lxv, 24 November 1675.
[120] *Ibid.*, lxxiii, 27 January 1688-9.
[121] *Ibid.*, lxxiv, 3 November 1691.
[122] *Ibid.*, lxxxviii, 31 December 1723, cv, 28 October 1757.
[123] S. P. D., Charles II, cxiii. 220.

bership embraced a large number of the council members, though some particular councillors appeared again and again on various committees.

The committee on the navy appointed in 1618 contained the archbishop of Canterbury, the lord chancellor, the lord privy seal, the lord steward, the marquis of Buckingham, the lord admiral, the lord chamberlain, the earl of Arundel, Viscount Doncaster, Secretary Naunton, and the chancellor of the exchequer.[124] On a committee of the council concerning a dispute about fisheries in the northern seas in 1626 were the lord keeper, the lord treasurer, the lord president, the lord admiral, the lord steward, the earl of Dorset, Lord Carleton, the treasurer of the household, the master of the wards, Secretary Coke, the master of the rolls, and Sir John Savile.[125] The committee for the prevention of robberies named in 1668 had the duke of Albemarle, the earls of Carlisle, Craven, Lauderdale, and Lord Ashley—all of them great lords or important politicians.[126] The committee on the coronation appointed in 1689 contained the lord president, the lord privy seal, the earl marshal, the lord great chamberlain, the lord steward, the lord chamberlain, the earl of Shrewsbury, Viscount Newport, Lord Montagu, the comptroller of the household, the vice-chamberlain.[127] The committee on the Tower, appointed about the same time, contained the two secretaries of state, the earl of Fauconberg, Viscount Newport, Sir Robert Howard, the vice chamberlain, and Mr. Boscawen.[128] The committee on instructions to the judges about to go on circuit, appointed shortly after, contained the lord president, the lord privy seal, the two secretaries, Mr. Hampden, and Mr. Boscawen.[129]

[124] P. C. R., xxix, 29 September 1618.
[125] *Ibid.*, xxxiv, 15 November 1626.
[126] *Ibid.*, lxi, 20 March 1668.
[127] *Ibid.*, lxxiii, 26 February 1688-9.
[128] *Ibid.*, 6 June 1689.
[129] *Ibid.*, 1 July 1689.

A committee concerning prizes named in the summer of 1691 was composed of the archbishop of Canterbury, the lord president, the earls of Oxford, Pembroke, Bath, Nottingham, Monmouth, the bishop of London, Lord Godolphin, Sir Henry Capel, the vice chamberlain, the chancellor of the exchequer, the master of the rolls, Sir Henry Goodricke, Mr. Boscawen, and Mr. Harbord.[130] The committee on the Hamburg Company, appointed in the autumn of that year, contained the archbishop, the lord president, the duke of Bolton, the lord chamberlain, the earls of Oxford, Nottingham, Portland, Fauconberg, Montagu, Marlborough, Scarborough, Warrington, Viscount Newport, Viscount Sydney, Lord Godolphin, the vice chamberlain, the lord chief justice, the master of the rolls, Sir Henry Goodricke, Mr. Russell, Mr. Boscawen, Mr. Harbord.[131] The select committee on Irish bills in 1710 had the archbishop, the lord chancellor, the lord treasurer, the lord president, the lord privy seal, the lord steward, the lord chamberlain, the dukes of Somerset, Marlborough, Queensberry, the earls of Anglesea, Orford, Wharton, Lord Dartmouth, Secretary Boyle, the chancellor of the exchequer, the two lord chief justices.[132]

For the most part it is difficult to ascertain the attendance at temporary committees. There are some minutes, but by no means are the records complete. In 1661 a committee meeting at Whitehall was attended by seven. They ordered the officers of the mint before them to report about the management and condition of that office.[133] Next year a committee of eleven having been appointed to meet certain foreign representatives, four days later four of them assembled.[134] At the council in which the committee was named eight were present. In 1672 six were present

[130] *Ibid.*, lxxiv, 30 July 1691.
[131] *Ibid.*, 3 November 1691.
[132] *Ibid.*, lxxxiii, 10 July 1710.
[133] *Ibid.*, lv, 5 April 1661.
[134] *Ibid.*, lvi, 8, 12 August 1662.

at a meeting of the committee for the redemption of captives.[135] In 1680 six were present at a meeting of the committee of examinations.[136] In 1707 a meeting of the committee for settling various matters relating to the Act of Union was attended by nine. The privy council that followed next after was attended by the queen and seven.[137] In 1709 Anne presided at a council of seven at Windsor. The next day a committee of council met with thirteen present.[138] In 1714 the lord president and two others of the council held a privy council at Whitehall. Later in the day the three of them sat as a committee of council.[139] In 1716 at the first meeting of the committee to consider bills and letters from Ireland, to which eleven had been appointed, six were present.[140] Of a similar committee in 1717, consisting of fourteen members, six attended the first meeting.[141] In 1720 nine came to the meeting of a special committee in the council chamber at Whitehall.[142] At a meeting of the coronation committee in 1727 twenty-five were present, but this was as unusual as was the large attendance at the first meeting of a privy council in a new reign.[143] The next year six were present at a meeting of " the Lords of the Committee for the Affairs of Carolina ".[144]

Apparently the attendance at committee meetings was proportionately better than at council meetings, but actually for the most part it was lower. The quorum was generally stated when the committee was appointed. Occasionally it was two; usually it was three; often four; sometimes five; and at times as high as that of the privy

[135] S. P. D., Charles II, cccxi, 19 June 1672.
[136] P. C. R., lxviii, 6 May 1680.
[137] *Ibid.*, lxxxi, 29 March, 6 April 1707.
[138] *Ibid.*, lxxxii, 7, 8 August 1709.
[139] *Ibid.*, lxxxiv, 5 June 1714. [140] *Ibid.*, lxxxv, 6, 7 January 1715-16.
[141] *Ibid.*, lxxxvi, 17, 22 October 1717. [142] *Ibid.*, 14 July 1720.
[143] *Ibid.*, xc, 2 October 1727. [144] *Ibid.*, 26 March 1728.

council itself.[145] The difficulty of securing attendance at committees had long been recognized. In 1628, among the regulations which Charles I made for the council one declared that whoever was put upon a committee, and was absent without alleging such cause as the committee would allow, was to be put off the committee by his majesty's order, "who requires One of the Principall Secretaryes to give him knowledge of such default." This rule along with the others was restated in 1660.[146] In 1690 William directed that during his absence, "the Comittees be better attended then of late, particularly the Comittee of Trade & Plantacons."[147] Occasionally when a committee was appointed it was specified that no business was to be transacted unless certain members were present. In 1665 a committee of eleven was appointed "For Improvem^{t} of Trade by dispenceing wth the Act of Navigacon". The quorum was to be any three or more of them, over and beside the lord treasurer and Lord Ashley, "who are to bee two".[148]

At meetings of the committees the king was sometimes present. He was very often at the standing committee of the council for foreign affairs which men came to know as "the committee" or the cabinet. He was less frequently at meetings of other standing committees. He was sometimes at select or temporary committees. "The Committee for regulation of the Justices of Peace sat ycsterday morning and afternoon," says a correspondent in 1680, "both which times His Majesty was present, but have not yet perfected the lists of several counties."[149] About the same time the earl of Anglesey spent the morn-

[145] S. P. D., Charles II, cclxxvi. 374-83; P. C. R., *passim*.

[146] P. C. R., liv. 2.

[147] *Ibid.*, lxxiii, 30 May 1690.

[148] S. P. D., Charles II, cclxxvi, 22 February 1664-5; P. C. R., lviii, 22 February 1664-5.

[149] Francis Gwyn to the duke of Ormonde, 3 February 1679-80: *H. M. C., Ormonde MSS.*, new series, v. 270.

ing at a committee of the privy council, "the King being there." [150] In 1690 there was a committee of the council meeting at Kensington about Irish affairs, at which William and ten councillors were present.[151] The lord president, when there was one, was almost always present at those committee meetings of which the minutes remain.

In 1668, when Charles II established certain important standing committees of the privy council, he made various rules about committees in general. Thereafter nothing was to be resolved in council until the matter had been first examined, and had elicited the opinion of some committee. On the other hand nothing was to be referred to any committee until it had been first read at the board—excepting the field of foreign affairs. Thenceforth no order of council was at any time to be issued by the clerks of the council until the same had first been perused by the reporter from the committee concerned. Particular committees were to report in writing to the king at the next regular council meeting after the appointment of the committee in question.[152]

The standing committees kept minutes of their proceedings, some of which survive as a fairly full and continuous record for certain periods. Minutes of proceedings in the temporary committees were also taken at times. Whether this was always done it is not now possible to say. Minutes of committee meetings appear occasionally scattered about in the state papers. There is a minute of the committee for the affairs of Newfoundland in 1667.[153] From

[150] Diary, 14 April 1680: Add. MS. 18730.

[151] P. C. R., lxxiii, 15 April 1690.

[152] *Ibid.*, lx, 12 February 1667-8. "It was likewise thought necessary", said the pamphleteer of 1757, writing of the government and of the council in earlier times, "for the Safety and Advantage of the Subjects in general, to have proper Regulations in Writing, with respect to Committees of Council." *The Fatal Consequences of the Want of System in the Conduct of Public Affairs*, etc., p. 4.

[153] S. P. D., Charles II, ccxxv, 23 December 1667.

1672 there is a minute of the committee for the redemption of captives.[154] Of more frequent occurrence are minutes recorded in the register of the council itself, though for the most part, it would seem, particularly in the earlier period, the minutes of committees are not embodied in this record. In 1694 and 1695 there are numerous minutes of the committee appointed for the queen's funeral.[155] In 1702 there are several minutes of the committee concerning the coronation of Anne.[156] In 1708 there is a minute of the committee appointed to prepare for the burial of Prince George of Denmark.[157] A year later the minute of "The Lords of the Committee" on two Irish private bills.[158] And many others occur. It should be noticed again that not only is the register no complete record for the business of committees of the council, but not even all the business of the council itself with respect to committees is recorded. Especially is this true of the earlier part of the seventeenth century. In 1666 a letter to one of the secretaries of state refers to an accusation concerning false musters "wch was yesterday referred to the Committee of the Councell to examine." But the register has nothing of this in the record of the day preceding.[159]

Occasional glimpses of work at committees may be had. In 1665 Pepys wrote:[160]

> We to a Committee of the Council to discourse concerning pressing of men; but, Lord! how they meet; never sit down: one comes, now another goes, then comes another; one complaining that nothing is done, another swearing that he hath been there these two

[154] *Ibid.*, cccxi, 19 June 1672.
[155] P. C. R., lxxvi.
[156] *Ibid.*, lxxix, 26 March 1702.
[157] *Ibid.*, lxxxii, 30 October 1708.
[158] *Ibid.*, lxxxii, 8 August 1709.
[159] S. P. D., Charles II, clxv, 31 July 1666; P. C. R., lix, 30 July 1666.
[160] *Diary*, 27 February 1664-5.

hours and nobody come. At last it come to this, my Lord Annesly, says he, "I think we must be forced to get the King to come to every committee; for I do not see that we do any thing at any time but when he is here."

At meetings of committees, as at meetings of the council, outsiders were called in to give testimony or information, when the members desired. "While we were discoursing over our publique misfortunes," says Pepys in 1667, "I am called in to a large Committee of the Council." [161] In the course of proceedings committees sometimes referred matters to the consideration of other committees. Usually, however, a committee would do that which had been ordered by the council and report to the council the result of its activities or its recommendation. In 1667 Sir Joseph Williamson wrote: "Friday next the Committee of the Councell are to make their Report to the Board of the Retrenchments they will aduise the King to make in his Expences." [162]

[161] *Diary*, 19 June 1667.

[162] Journal, 1 October 1667: S. P. D., Charles II, ccxxxi. 61.

CHAPTER XXIII

STANDING COMMITTEES OF THE PRIVY COUNCIL, 1603-1645

WRITING some time between 1607 and 1612 Francis Bacon said: "I commend also standing commissions; as for trade, for treasure, for war, for suits, for some provinces; for where there be divers particular counsels, and but one counsel of estate (as it is in Spain), they are, in effect, no more than standing commissions, save that they have greater authority. Let such as are to inform counsels out of their particular professions (as lawyers, seamen, mintmen, and the like) be first heard before committees; and then, as occasion serves, before the counsel." [1]

During the seventeenth and eighteenth centuries, as the council lightened its work by referring to temporary committees particular tasks whose discharge completed what such committees were to do, so certain kinds of work of which there was always some coming up before the council were delivered to standing committees of the council, instituted to be permanent or continue for a considerable time. During the seventeenth century the greater part of the preliminary work of the council was gradually given over to the principal standing committees. During the eighteenth century these committees gradually disappeared, as the committee of foreign affairs ceased to be appointed formally a committee of the privy council, as work was withdrawn from the council, and what remained came to be prepared mostly in the committee of the whole privy council. Meanwhile, however, the greatest of the old standing committees, the com-

[1] *Essays*, "Of Counsel."

mittee of foreign affairs, had gradually absorbed to itself most of the real power and importance of the parent body. By the end of the seventeenth century, as "the committee", it was the principal organ of executive government, under the crown, in England. During the eighteenth century the character of this body and its technical connection with the privy council tended to be obscured and forgot; but by that time it had largely superseded both king and council, and along with parliament had assumed the government of England.

Loss of a part of the register of the privy council, for the earlier years of the reign of James I, and often the scanty character of the records of the council for some time after, especially with respect to all that concerns committees, make it difficult to be sure of the earlier history of standing committees. Often when committees are mentioned in the record they are given without any descriptive epithet, and generally at first there is no record of the appointment of such committees as were named. For some time, therefore, knowledge is slight, and deductions must be inconclusive.

At the back of the twenty-eighth volume of the register of the council is a list headed "Comittees", relating to the years 1616 and 1617.[2] From certain notes made by the writer it would appear that they were standing committees of the council:

Mr Chancellor of the Dutchie to be added to any of these Commissioners wherein the Dutchie hath interest

The Commissioners to call to assist theise Seruices whom soever they thinke fitt.

The following committees are listed: "for the State of Ireland", consisting of nine members:

The archbishop of Canterbury
lord chancellor
lord treasurer

[2] P. C. R., xxviii, back of the volume.

lord admiral
earl of Exeter
Lord Knolles
Secretary Winwood
Secretary Lake
chancellor of the exchequer

" ffor the Household ", containing six:

The lord privy seal
duke of Lenox
lord admiral
Lord Knolles
Lord Wotton
Secretary Lake

" ffor the Nauy ", consisting of seven:

The lord treasurer
lord privy seal
lord admiral
lord chamberlain
Lord Zouche
chancellor of the exchequer
master of the rolls

" ffor the warderobe and Robes ", eight:

The lord privy seal
lord chamberlain
Viscount Fenton
Lord Zouche
vice chamberlain
chancellor of the exchequer
lord chief justice
master of the rolls

" The workes Castles and ffortes ", containing eight members:

The lord treasurer
lord privy seal
duke of Lenox

lord admiral
lord chamberlain
earl of Exeter
Lord Zouche
chancellor of the exchequer

" The booke of Rates Imposyc̄ons exportac̄on & Importacon ", with ten members:

The archbishop of Canterbury
lord chancellor
lord treasurer
bishop of Winchester
vice chamberlain
Secretary Winwood
Secretary Lake
chancellor of the exchequer
lord chief justice
master of the rolls

" ffor puttinge Lawes in execution and concerning Straingers ", two members:

The lord chancellor
lord chief justice

" ffor Sperable Debtes ", two members:

The lord treasurer
chancellor of the exchequer

" ffor the ffishinge ", ten members:

The lord chancellor
lord treasurer
lord privy seal
duke of Lenox
lord admiral
lord chamberlain
Lord Zouche
vice chamberlain
chancellor of the exchequer
master of the rolls

"ffor Enfrancheing of Coppiholders & improueing of Rentes", six members:

The lord chancellor
lord treasurer
Lord Zouche
chancellor of the exchequer
lord chief justice
master of the rolls

"ffor Guiftes Grauntes and other Things", two members:

The lord chancellor
lord chief justice

"Greeuances in Generall"

"The Kinges Learned Councell".

The concentration of committee work in the hands of certain members of the council is shown here in that the lord chancellor, the lord treasurer, the chancellor of the exchequer were on six of these twelve committees, the lord privy seal, Lord Zouche, the master of the rolls, and the lord chief justice on five, the lord admiral and the lord chamberlain on four.

At the beginning of the thirty-first volume of the register—for 1623—there is what appears to be a list of standing committees of the council. For what is probably one of them the record is incomplete or uncertain. "The names of the Lordes Committies appointes by his Maiestie for the affayres of Ireland. Januarie 1622." Actually, the names of the members are not given, but farther down is the note: "The Commissioners of Irelande to attende all waie and to be hearde what they propounde and to be aduised withall." [3] Somewhat later in a council of sixteen at Whitehall: "the Com^rs for Irish affaires haue returned a Certificate to the Board." [4] From time to time thereafter the register mentions the commissioners for Irish affairs and the commissioners for the revenue.[5]

[3] P. C. R., xxxi. 3.
[4] *Ibid.*, xxxiv, 9 August 1626.
[5] *Ibid.*, xxxvi.

At the beginning of this volume of the register are given several committees that are undoubtedly standing committees of the council, and the names of the members have been put in the record. "The Church", four members:

The archbishop of Canterbury
lord keeper
bishop of Winchester
master of the rolls

the time of meeting, Saturday afternoon; "Reuenew, Plantac̄on Recusants, setling the Courtes of Justice, Trade and Commerce", eighteen members:

The archbishop of Canterbury
lord keeper
lord treasurer
lord president
lord steward
lord admiral
marquis of Hamilton
earl marshal
lord chamberlain
earl of Carlisle
Viscount Grandison
Lord Brooke
Lord Chichester
treasurer of the household
comptroller of the household
Secretary Calvert
chancellor of the exchequer
Sir Edward Conway

to meet Thursday afternoons; "New Patents, Monopolies, ffees ffines and Offices in reuersion, how his Ma^{ts} late direc̄ons were obserued", eleven members:

The lord president
lord privy seal
earl of Kelly

Viscount Grandison
Lord Brooke
Lord Chichester
treasurer of the household
comptroller of the household
Secretary Calvert
master of the rolls
Sir Edward Conway

Monday afternoons; "The Armie", thirteen members:

The lord treasurer
lord steward
lord admiral
marquis of Hamilton
earl marshal
lord chamberlain
earl of Carlisle
Viscount Grandison
Lord Carew
Lord Chichester
Secretary Calvert
chancellor of the exchequer
Sir Edward Conway

the time of meeting not stated.[6] The functions of some of these committees were so various that the work of standing committees could not yet have been well specialized. At this time the council contained, probably, thirty-five members.

There was about this time also another body much like a standing committee of the council, but rather a subordinate council or commission, since some of its members were not members of the privy council. In 1624 James I granted a commission to certain ones, for the most part members of the privy council, to be a council of war: "Wee beinge nowe to take such wayes, and meanes as

[6] P. C. R., xxxi. 3.

shalbe most requisite for securinge of Ireland wth the rest of o^{r} dominions, puttinge o^{r} Royall Nauie in readines . . . haue thought good to nominate and appoint a Councell of Warr for this purpose." Six were members of the privy council:

Viscount Grandison	
Lord Carew	master of the ordnance
Lord Brooke	
Lord Chichester	
Sir Edward Conway	secretary of state
Sir Edward Cecil	

To them four others were added:

Sir Horace Vere
Sir Robert Mansell
Sir John Ogle
Sir Thomas Button

Any six or more were to be a quorum. They were authorized to assemble from time to time, as there should be cause; to call before them persons from whom they might desire information or counsel. "And to advise of such wayes, and meanes, as may further and giue aduancement to aforesaid ends of assistinge o^{r} Allyes specially the Lowe Countries, securinge Ireland, and the rest of o^{r} owne dominions, and putting o^{r} Nauie in readines, and safetie, togeather wth what els shalbe recommended to yo^{u} from us for yor advice towards the furtherance of o^{r} service." They were to deliberate upon these matters and report to the king. They were also to report to the privy council what they thought should be considered or put into effect.[7] For some time thereafter this body was active and important. It may be that it sometimes appointed a committee of itself.[8] In 1628, when another list of commit-

[7] S. P. D., James I, clxiii, 24 April 1624.

[8] "The Comittee of the Councell of warre, haue mett twice." Secretary Conway to the duke of Buckingham: *ibid.*, clxxxiii, 2 February 1624-5.

tees occurs with the names of the members, the "Councell of Warre" heads the list, but the membership is not stated.[9]

On the accession of Charles I the council was formally reconstituted, and new committees were set up, though of this no record remains. Doubtless in some cases they virtually continued the committees preceding. In the first year of his reign he was advised to have the council meet regularly twice a week, and have read over each time the business decided at the last preceding session of the council, in order that errors might be avoided. "Or if the generall Councell can not wth conueniencye assemble soe often, that there bee a Committee of the Councell appointed to see that Worke done, who may alsoe take notice of the suites that are brought that weeke, and receaue, and entertayne such as are proper for the Board to take." [10] Whether this was done or not does not appear, but if such a committee was appointed it was probably a standing committee of the council.

Among the papers of the secretaries of state is a manuscript endorsed by Secretary Dorchester: "Note of Comitties taken out of the Counsell booke. in *10*^{ber} 1628", while another endorsed "Comittees" and made at the same time varies from it slightly.[11] For the most part the committees given in these lists would seem to be temporary committees, or, if standing committees, then less important ones. Internal evidence would seem to show that a summary was made of committees appointed during some time before, since not only is the duke of Buckingham listed in one of them, though he was assassinated four months earlier, but another may relate to Anne of

It is quite possible that the epithet is merely descriptive, designed to designate loosely the council of war as a committee—that is of the privy council.

[9] S. P. D., Charles I, cxxiii. 52.

[10] *Ibid.*, viii. 81.

[11] *Ibid.*, cxxiii. 51, 52.

Denmark, who died in 1619. In the council register there are no corresponding lists.

According to the secretary there were at this time the following committees: "Comittee to treate wth the States Amb^{r}", ten members; "Comittee for ffrench busines", eleven members; "Comittee for the Intercourse", seven members; "Priuate Comittee", nine members; "Comittee about Sr Thomas Phillips busines in Ireland", ten members; "Comittee ffor Argier", nine members; "Comittee for the reliefe of Rochell", no list of members given; "Comittee to treate wth the Danish Amb^{r}", five members; "Comission^{rs} for the Admiralty", six members; "Comittee for the Posts", members not given; "Comittee for the ffunerall of her late ma^{tie}", seven members.[12]

Several standing committees of the privy council are given at the beginning of the register for 1629, none of them occurring in the secretary's lists just described. The "Comittee for Irelande", twelve members:

The lord treasurer
lord chamberlain
earl of Dorset
earl of Salisbury
Viscount Dorchester
Viscount Grandison
Viscount Wilmot
bishop of London
Secretary Coke

the chancellor of the duchy had been a member, but his name had been crossed out, while three had been added:

Viscount Falkland
the vice chamberlain
Sir Thomas Germain

[12] S. P. D., Charles I, cxxiii, 51, 52.

they were to meet Wednesday mornings at eight or nine o'clock; the "Comittee for Trade", thirteen members:

The lord keeper
lord treasurer
lord president
lord privy seal
earl marshal
lord steward
earl of Dorset
earl of Holland
earl of Carlisle
Viscount Dorchester
vice chamberlain
Secretary Coke
Sir Francis Cottington

—the chancellor of the duchy had formerly been a member—this committee was to meet Friday mornings; "Comittee for the Trayned bands", eighteen members:

The lord keeper
lord treasurer
lord president
lord privy seal
lord high chamberlain
earl marshal
lord steward
lord chamberlain
earl of Suffolk
earl of Dorset
earl of Salisbury
earl of Exeter
earl of Holland
earl of Carlisle
earl of Banbury
Viscount Wimbledon
Viscount Dorchester
Secretary Coke

to meet Tuesday afternoons; the " Comittee for fforraine affaires ", seven members:

The lord treasurer
lord president
earl marshal
lord steward
earl of Holland
earl of Carlisle
Viscount Dorchester

time of meetings not given—this last committee has been added to the preceding in a different hand; finally, " The names of the Com^rs touching the order of Knighthood ", nineteen members:

The lord keeper
lord treasurer
lord president
lord privy seal
lord high chamberlain
earl marshal
lord steward
lord chamberlain
earl of Suffolk
earl of Dorset
earl of Salisbury
earl of Exeter
earl of Northumberland
Viscount Dorchester
Viscount Wimbledon
Lord Wentworth
vice chamberlain
Secretary Coke
chancellor of the exchequer

time of meetings not given.[13] At this time the council contained about forty members.

[13] P. C. R., xxxix, 10, 11, 12.

For 1630 the membership of what may have been additional standing committees of the council is given: "Comissioners for the Poore", ten members; "Comissrs for Soldyers", four members; "Comittee for Trade", eleven, later twelve, members.[14] That there were others at this time is evident from "Orders for Dayes of Comittees", given at the beginning of the next volume of the register, stating the regular weekly days for the meetings of the Irish committee, the committee for the admiralty, and the committee for the ordnance, as well as of the council of war.[15] For 1632, 1633, 1634 various others are given: "Commissioners about the surueying of his Mats Ordinance, and munican &c", six members; "Comittee for new Engd", twelve members; "The Comittee about Piratts", six members; "Comissrs for the ordinance", seven members.[16]

For 1634 the standing committees of the council are listed with their members at the beginning of the register volume.[17] "The Comittee for foreigne Plantations", twelve, afterwards thirteen, members:

The archbishop of Canterbury
lord keeper
archbishop of York
lord treasurer
lord privy seal
earl marshal
earl of Dorset
Lord Cottington
treasurer of the household
comptroller of the household
Secretary Coke
Secretary Windebank

[14] *Ibid.*, xl. 7.
[15] *Ibid.*, xli. 3.
[16] *Ibid.*, xlii. 6; xliii. 1, 3.
[17] *Ibid.*, xliv. 1, 3.

with the earl of Stirling afterwards added—this committee to meet Wednesday mornings; "Comittee for Trade", ten members:

The archbishop of Canterbury
lord keeper
lord treasurer
lord privy seal
earl marshal
earl of Dorset
Lord Cottington
Secretary Coke
vice chamberlain
Secretary Windebank

with the comptroller of the household apparently substituted later on for the vice-chamberlain—the meetings were to be held Friday mornings; "Comittee for the ordinance", seven members:

The lord treasurer
earl marshal
earl of Dorset
Viscount Wimbledon
Lord Cottington
Secretary Coke
Secretary Windebank

"Comittee of Irelande", six members:

The archbishop of Canterbury
lord treasurer
earl marshal
Lord Cottington
Secretary Coke
Secretary Windebank

"Comittee for forraine affaires", of uncertain number—six at least, eight perhaps, possibly at one time ten, though this is doubtful:

The archbishop of Canterbury
lord keeper
lord treasurer
earl of Arundel
earl of Carlisle
earl of Holland
Lord Cottington
comptroller of the household
Secretary Coke
Secretary Windebank

he who made the list or afterwards had charge of it has crossed out the lord keeper and the earl of Carlisle—who had died, inserted the earl of Arundel, and crossed out Lord Cottington and the comptroller; "Commissio^{rs} for the Treasury", five members:

The archbishop of Canterbury
lord privy seal
Lord Cottington
Secretary Coke
Secretary Windebank

It may be noted that the two secretaries and Lord Cottington were on all of these six committees, the archbishop of Canterbury and the lord treasurer on five, the earl marshal on four, the earl of Dorset on three.[18] At this time the council contained thirty-six members.

About the end of 1636 a similar list of the standing committees of the council occurs: "The Committee for fforeigne Plantations", thirteen members; "Comittee for the Ordinance", seven members; "Comittee for Trade",

[18] In 1635 Laud wrote to Wentworth that he would make such haste as he could in respect of certain business: "Only, good my Lord, remember I grow old, and yet now my business multiplies upon me, being now at once called into three troublesome Committees, that of Trade, the Foreign, and the Exchequer." Letter of 27 March 1635: *The Works of the Most Reverend Father in God, William Laud, D.D., Sometime Lord Archbishop of Canterbury* (Oxford, 1847-60), vii. 116.

ten members; "Comittee for Forraine affaires", six or more—the number is uncertain because of insertion and crossing out; "Comittee for Ireland", six members; "Comitte for the Admiralty", the list apparently incomplete, only the lord treasurer given.[19]

There is another such list for 1638.[20] "The Comitte for fforreigne Plantacons", thirteen members:

The archbishop of Canterbury
lord keeper
archbishop of York
lord treasurer
lord privy seal
earl marshal
earl of Dorset
earl of Sterling
Lord Cottington
treasurer of the household
comptroller of the household
Secretary Coke
Secretary Windebank

"Comitte for the Ordinance", seven members:

The lord treasurer
earl marshal
earl of Dorset
Viscount Wimbledon
Lord Cottington
Secretary Coke
Secretary Windebank

"Comitte for Trade", ten members:

The archbishop of Canterbury
lord keeper
lord treasurer
lord privy seal
earl marshal

[19] P. C. R., xlvii, 1, 2.

[20] *Ibid.*, xlix. 1.

earl of Dorset
Lord Cottington
comptroller of the household
Secretary Coke
Secretary Windebank

"Comitte for Forraine affaires", an uncertain number—six or seven or more, possibly nine:

The archbishop of Canterbury
lord keeper
earl of Holland
Lord Cottington
comptroller of the household
Secretary Coke
Secretary Windebank

with the lord keeper, Lord Cottington, the comptroller crossed out, and the

lord treasurer
earl marshal

inserted; "Comitte for Ireland", six members:

The archbishop of Canterbury
lord treasurer
earl marshal
Lord Cottington
Secretary Coke
Secretary Windebank

Concentration of committee work in the hands of a few of the prominent and active members, that later led on the one hand to the committee of the whole council and on the other to the cabinet, is here again strikingly shown: the lord treasurer, the earl marshal, Lord Cottington, the two secretaries were each on all of the five committees; the archbishop of Canterbury on four; the lord keeper and the comptroller each on three. This tendency was further shown in 1639, when Charles having made the committee of the north, ordered that three sub-

committees of this body should be formed, whereof the lord treasurer and Lord Cottington were to be members whenever they thought fit to attend or whenever the sub-committees desired their lordships to be present.[21]

The last list of standing committees drawn up in the register for this period is in 1639. There were the "Comittee For Forraine Plantacons", thirteen members; "Comittee For Trade", ten members; "Committee For the Ordinance", six members; "Committee for Forraine affaires", six members; "Committee for Ireland", six members.[22] The more important and active members were on most or all of these committees also.

It is probable enough that there were standing committees of the council just after this time. "A Comittee appointed by his Matie for the affaires of Ireland", probably in March 1641, contained ten members:[23]

The lord keeper
lord privy seal
marquis of Hertford
earl marshal
earl of Leicester
earl of Bristol
Viscount Say and Sele
Lord Cottington
treasurer of the household
lord chief justice of the common pleas

"A Comittee appointed by his Matie for the Treasurie", constituted perhaps about the end of the year or at the beginning of 1642, contained eight members:

The lord keeper
earl of Dorset
Lord Cottington

[21] S. P. D., Charles I, ccccix, 21 January 1638-9. [22] P. C. R., li. 1.
[23] *Ibid.*, liii. This and the following list have been written down in different hands. Also *ibid.*, fo. 107.

Lord Falkland
Lord Newburgh
Secretary Nicholas
chancellor of the duchy
master of the rolls

Of these committees, excepting the committee of foreign affairs, not a great deal has been recorded, and not much can be ascertained now, beyond what is easily surmised. The committees varied in size from five or six to thirteen, fourteen, eighteen or nineteen members. The quorum, usually designated when the committee was established, was four or five. Generally the place of meeting cannot be discovered. It was probably for the most part at Whitehall, but sometimes at other places where the court was held. In 1634 Laud wrote to Strafford: "This 19th of *October* at *Hampton-Court* . . . the *Irish* Committee was called by the King, and in his Presence your Dispatches read."[24] According to minutes of the meeting, a committee for Irish affairs assembled in the Inner Star Chamber in July 1636.[25] The regular time of meeting was well established, once a week, at an assigned hour in the morning for some, in the afternoon for others. How the committees were attended little evidence remains to reveal. From time to time the king was at committee meetings. In 1634 a letter was read "to his Majesty in Presence of the Committee for *Irish* Causes", and answers were agreed upon and noted.[26] Charles was present at the committee of trade on several occasions in 1635.[27] He was at the "Irish Committee" again that same year.[28] He

[24] Letter of 20 October 1634: *Strafford Letters* (London, 1739), i. 331.
[25] S. P., Ireland, cclv. 136.
[26] Lord Deputy Strafford to Secretary Coke, 6 October 1634; *Strafford Letters*, i. 304.
[27] S. P. D., Charles I, cclxxxiii. 13; cccii, 24 November 1635.
[28] Archbishop Laud to Viscount Wentworth, 27 March 1635; Laud, *Works*, vii. 115.

came to the committee of trade in 1637.[29] He was at a meeting of the committee of the north in 1639.[30] From the council matters were constantly referred to the committees, and from the committees recommendations and reports went back. In 1627 at a council of thirteen at Whitehall, financial matters came up, and were referred to the "Com^{rs} for the Revenew" at their next sitting.[31]

[29] S. P. D., Charles I, cccxlv, 30 January 1636-7.
[30] *Ibid.*, ccccix, 21 January 1638-9. [31] P. C. R., xxxv, 28 March 1627.

CHAPTER XXIV

STANDING COMMITTEES OF THE COUNCIL, 1649-1660

BEFORE the civil wars the government of England was mostly carried on by the privy council under the king. In the course of its work it delegated many matters to the care of temporary and, especially, of standing committees of the council. In the confusion and the strife that followed 1642 control in various areas was often in the hands of military commanders or of those who took to themselves power in the name of parliament or king. Formally, however, over much of England during 1642-9, and at times over all of it, authority was vested in parliament, and government was carried on by such members of the houses as continue to meet. Administration and executive work, as well as legislation, were now managed by parliament, and in the course of its activities it delegated many of its tasks to parliamentary committees for investigation, consideration, and report. Loyalty to the sovereign was, indeed, often reasserted, and the struggle was proclaimed to be only against evil advisers of the crown who had brought misery and disorder to the kingdom. But the power of privy council and of king were no longer acknowledged in large parts of the realm. The king's council had disintegrated, and by 1645 had disappeared. Parliament did not create another, but in some sort filled its place by erecting the committee of both kingdoms—which was for the most part in English affairs a committee of the English parliament—and later on the committee of both houses. These successive committees were essentially committees of the house of commons.

At the time they had an honorable and important position, but along with each one of them stood numerous other parliamentary committees. During this period, then, committees were of parliament and not of any independent council.

The revolution culminated with execution of the king and establishment of a republic in 1649. Thereafter came steady though gradual reaction towards previous methods and forms, a movement that led to the restoration of monarchy—king and his council—in 1660. A considerable beginning was made immediately after the establishment of the commonwealth when parliament set up a council of state, an executive and administrative body with more power than the committee of both kingdoms had had in the period preceding. Under the commonwealth, indeed, successive councils of state had to some extent the place that the privy council had under the Stuarts. From 1653 to 1659, under the protectorate, there was a still stronger council, known at first as the protector's council and later as the privy council. Increasingly these various councils took over the administration and the execution of government—more and more under the commonwealth, afterwards along with the lord protector almost entirely. With revived importance of the council there was again much delegation of tasks to parts or committees of the council. In the period 1649-59 there were numerous temporary committees and some important standing committees. Then, for a year before the restoration of Charles II, came confusion, uncertainty, and change.

The first council of state of the commonwealth was established by parliament in February 1649. A week later was passed an act giving jurisdiction to the council of state to exercise all the powers of a lord admiral.[1] At the

[1] S. P. D., Interregnum, I 123, 23 February 1648-9.

same time Colonels Popham, Deane and Blake were by act of parliament made "Com^rs for ordering & Comanding of the Fleete". Whereupon the council of state ordered the three commissioners to attend the next day.[2] Six members of the council, to whom four others were at once added, were appointed a committee to read over the records of the admiralty.[3] A fortnight later, at a meeting at Derby House, the council ordered that

Sir Henry Vane
Colonel Walton
Alderman Wilson

or any two of them, should be "a Com^tee to Carry on the affaires of the Adm^lty and Nauy". They were to meet daily and report to the council of state as they thought well.[4] This committee had its own secretary.[5] Shortly after two other members were added to the "Comittee of the Councell who are appointed to take care of the affaires of the Admiralty and Navy":

Colonel Jones
Mr. Scott

and in June two others:

Colonel Purefoy
Colonel Stapeley

so that the committee then contained seven members.[6] There were also a committee of the council "for the affaires of Ireland",[7] and a committee for the army;[8] and later on a committee was appointed to consider the coin, the par between it and the coin of other nations, how the coin of the realm might be kept from being carried out, and how the mint might be set to work.[9] Unfortunately

[2] *Ibid.*, I 62, 23 February 1648-9.
[3] *Ibid.*, I 62, 23 February 1648-9; I 123, 24 February 1648-9.
[4] *Ibid.*, I 123, 12 March 1648-9; I 62, 12 March 1648-9.
[5] *Ibid.*, I 123, 15 March 1648-9. [6] *Ibid.*, 26 March, 6 June 1649.
[7] *Ibid.*, I 62, 5 April 1649.
[8] *Ibid.*, I 94, 7 July 1649. [9] *Ibid.*, I 62, 18 August 1649.

the records while voluminous, are neither as full nor as regular as those of the privy council had come to be, so that in some cases the members of committees cannot now be determined.

In February 1650, when a new council of state had been established by parliament, a new committee to carry on the affairs of the admiralty and the navy was at once appointed for a fortnight:

Sir Henry Vane
Colonel Walton
Colonel Jones
Mr. Scott
Colonel Purefoy
Colonel Stapeley
earl of Salisbury
Colonel Popham
Lord Grey
Mr. Wallop

that is a committee of ten, containing six of the previous admiralty committee and four new members.[10] Two weeks later a standing committee to carry on the affairs of the admiralty and the navy was appointed in the council of state:

Sir Henry Vane
Colonel Walton
Mr. Challoner
Colonel Popham
Colonel Stapeley
Colonel Purefoy
earl of Salisbury
Mr. Luke Robinson

all but two of them had been on the previous temporary committee. A month later two others were added:

Viscount Lisle
Mr. Bond

[10] S. P. D., Interregnum, I 123, 19 February 1649-50.

The quorum of the committee was to be three.[11] In May

Colonel Morley

was added, so that the admiralty committee contained eleven members.[12]

Shortly after the other principal standing committees of the previous council were again appointed: a committee to carry on matters of law; a committee to receive information and take examinations; a committee for the affairs of Ireland; a committee for the ordnance; a committee to confer with the officers of the army.[13]

The committee for matters of law contained five members:

Lord Commissioner Whitelock
Lord Commissioner Lisle
Lord Chief Justice Rolle
Lord Chief Justice St. John
Lord Chief Baron Wilde

The quorum was to be two. The committee was to have the same powers as previously.[14] The committee on information and examinations had six members:

The lord general
Mr. Scott
Sir William Masham
Sir Henry Mildmay
Colonel Purefoy
Sir James Harrington

The quorum was two. They were to have the same powers as formerly.[15] The committee for Ireland contained ten members:

The lord lieutenant of Ireland
Sir William Armyn
Mr. Scott

[11] *Ibid.*, I 64, 2 March, 9 April 1649-50.
[12] *Ibid.*, I 123, 1 May 1650.
[13] *Ibid.*, I 64, 2 March 1649-50.
[14] *Ibid.*
[15] *Ibid.*

Colonel Jones
Viscount Lisle
Mr. Wallop
Mr. Gurdon
Colonel Morley
Sir Peter Wentworth
Mr. Bond

The quorum was two. They were to have the same powers as formerly.[16] In October this committee was ordered to take care of supplying the army in Scotland, and a few days later it was appointed to be a committee for the army forces of Scotland and for the affairs of Scotland in like manner as its members were already a committee for Ireland.[17] The committee for the ordnance contained seven members:

Sir Gilbert Pickering
Mr. Holland
Sir William Constable
Colonel Hutchinson
Alderman Pennington
Mr. Heveningham
Lord Howard

The quorum two. The same powers as formerly.[18] The committee to confer with the army had fifteen members:

Sir Henry Vane
earl of Denby
Lord Grey
Major General Skippon
Sir Arthur Haselrig
Colonel Stapeley
Colonel Martin
Colonel Hutchinson
Colonel Popham

[16] S. P. D., Interregnum, I 64, 2 March 1649-50.
[17] *Ibid.*, I 10, 2 October 1650; I 11, 8 October 1650.
[18] *Ibid.*, I 64, 2 March 1649-50.

Colonel Walton
Colonel Purefoy
Colonel Ludlow
Colonel Jones
Lord Viscount Lisle
Sir William Constable

Three were to be a quorum. They were to have the same powers as previously this committee had had.[19]

In February 1651 the third council of state assembled for its first meeting. It ordered that the members of the council who were of the committee for Irish and Scots affairs should continue to attend to such matters for a week, at the same time adding three new members:

Major General Harrison
Alderman Alleyn
Major Salwey

The committee was now styled the "Comittee of Irish & Scottish affaires".[20] The same day the council ordered "That all other Comittees be revived till Wednesday come sevenight." Presently they were continued for another week. The standing committees of the new council were appointed 1 March 1651. They contained, as before, many of the members who had made the preceding committees.[21]

The fourth council of state, which was established in December 1651 had similar standing committees. At the first meeting of the council it was ordered that such members of the present council as were of the one preceding and were of the committee for Irish and Scots affairs, should continue to be a committee for that purpose until the council should order otherwise concerning committees, and the members were bidden to meet the next morning.[22] Next day several large new standing committees were

[19] *Ibid.*
[20] *Ibid.*, I 65, 17 February 1650-1.
[21] *Ibid.*, 17, 25 February, 1 March 1650-1.
[22] *Ibid.*, I 66, 1 December 1651.

constituted: "Comittee for carrying on the affaires of the Ordnance", "Comittee for the carrying on the affaires of Ireland & Scotland", "Committee for takeing Examinations & Informations", "Committee to consider of the Obstructions of the Mint", "Committee to consider of the businesse of Plantations", "Committee to take Care of preserving of the Timber of the Commonwealth", besides which any five or more of the council—a committee of the whole council—should have charge of "trade and Plantations".[23]

The ordnance committee contained fourteen members at first:

Sir Arthur Haselrig
Sir Gilbert Pickering
Mr. Bond
Colonel Purefoy
Colonel Walton
Sir William Masham
Major Salwey
the lord general
Mr. Holland
Mr. Hayes
Colonel Blake
Sir William Constable
Colonel Downes
Mr. Carew

Later on four others were added:

Sir Peter Wentworth
Mr. Masham
Mr. Martin
Mr. Scott

The quorum was to be three. The powers were those for-

[23] S. P. D., Interregnum, I 66, 2 December 1651.

merly given.[24] The committee for Ireland and Scotland contained twenty-one members at the start:

Sir Henry Vane
Mr. Bond
Major Salwey
the lord general
Major General Fleetwood
Sir Gilbert Pickering
Lord Commissioner Whitelock
Mr. Scott
Sir James Harrington
Mr. Love
Colonel Purefoy
Colonel Morley
Colonel Downes
Viscount Lisle
Mr. Hay
Mr. Holland
Mr. Burrell
Colonel Martin
Mr. Wallop
Colonel Popham
earl of Pembroke

To them were afterwards added:

Mr. Corbet
Mr. Martin
Mr. Carew

The quorum was three.[25]

Two days later a "Comittee for carrying on the affaires of the Admiralty according to the powers formerly given to that Comittee" was established. It contained fifteen members:

Sir Henry Vane
Mr. Challoner

[24] *Ibid.*, 2 December 1651, 17, 22 August 1652.
[25] *Ibid.*, 2 December 1651, 24 August, 28 September 1652.

Mr. Bond
Lord Commissioner Whitelock
Lord Commissioner Lisle
Colonel Walton
Colonel Purefoy
the lord general
Colonel Blake
Colonel Martin
Mr. Nevill
Colonel Morley
Mr. Masham
Mr. Burrell
Colonel Stapeley

Three others were added later on:

Sir William Masham
Sir Peter Wentworth
Mr. Scott [26]

A fortnight after this was established the "Committee for businesse of Trade and forreigne affaires". At first it contained sixteen members:

Lord Chief Justice St. John
Lord Commissioner Whitelock
Lord Commissioner Lisle
Sir Henry Vane
Mr. Bond
Mr. Scott
Major Salwey
the lord general
Mr. Love
Colonel Walton
Colonel Purefoy
earl of Pembroke
Viscount Lisle
Lieutenant General Fleetwood

[26] S. P. D., Interregnum, I 66, 4 December 1651, 17, 19 August 1652.

Mr. Burrell
Sir Arthur Haselrig

At various subsequent dates were added:

Sir William Masham
Lord Bradshaw
Alderman Pennington
Mr. Challoner
Mr. Nevill
Mr. Martin
Colonel Blake
Colonel Morley
Mr. Corbet
Mr. Masham [27]

When the short-lived fifth council of state assembled in December 1652 it speedily established standing committees of the council: for the ordnance, for the affairs of Ireland and Scotland, for the admiralty, and for trade, plantations and foreign affairs—containing respectively nine, twelve, twelve, and twenty-one members. To each one of these committees other members were afterwards added.[28]

The temporary body, which may be called the sixth council of state, held power for only a short time amidst much confusion. This council appointed eight members to whom two were afterwards added to be a committee for Scots and Irish affairs. They were to meet at such times as they thought fit, and to them was referred the business depending before the previous similar committee.[29]

In July 1653, when the nominated parliament had assembled, members were added to the sixth council to constitute a seventh council of state to hold power for six

[27] *Ibid.*, 17, 30 December 1651, 2, 8, 13 January 1651-2, 8 July, 17 August, 30 October 1652; *ibid.*, xvi. 126a.

[28] *Ibid.*, I 68, 2 December 1652.

[29] *Ibid.*, I 69, 3 May 1653.

months. In August it appointed a committee for foreign affairs, consisting of seven members.[30]

Walter Strickland
Henry Lawrence
Sir Anthony Ashley Cooper
Lord Lisle
Sir Charles Wolseley
Samuel Moyer
Sir Gilbert Pickering

Just before the expiration of the tenure of the seventh council it was arranged that some of the members should be re-elected and others added to make an eighth council. The eighth council of state began its tenure 2 November 1653. It came to an end six weeks later, with the end of the nominated parliament and the commonwealth. At the first sitting of the council a committee was appointed for several purposes, one of which was to consider what committees the former council had set up and what committees should be constituted now.[31] A number of committees of the council were presently appointed: "the Comittee for Scotch & Irish affaires", a committee for lunatics, a committee for foreign affairs, a committee for the mint, a committee for the office of the ordnance, a committee for examination, and—a little later—a committee to confer with Major General Lambert and other officers of the army about the state of affairs in Scotland—though this may not have been a standing committee.[32]

The committee for Scots and Irish affairs consisted of eight members:

The lord general
Colonel Cromwell
Sir Robert King
Captain Howard

[30] S. P. D., Interregnum, I 70, 16 August 1653.
[31] *Ibid.*, I 72, 3 November 1653. [32] *Ibid.*, 8, 23 November 1653.

Colonel Rous
Mr. Bennett
Sir Gilbert Pickering
Captain Stone

" the Care of this is specially referred to Col: Cromwell "; the quorum was to be three. Next day another member was added:

Colonel Jones

The committee for lunatics contained nine members:

The lord general
Sir Charles Wolseley
Sir Anthony Ashley Cooper
Mr. Sadler
Lord Evers
Colonel James
Sir William Roberts
Colonel Barton
Dr. Goddard

the quorum was three; the care of this committee was referred especially to Mr. Sadler. The committee for foreign affairs contained thirteen members:

The lord general
Mr. Strickland
Sir Charles Wolseley
Sir Gilbert Pickering
Sir Anthony Ashley Cooper
Mr. Lawrence
Alderman Titchborne
Viscount Lisle
Mr. Sadler
Colonel Jones
Colonel Montagu
Colonel Sydenham
Mr. Major

the quorum was three; the care of this business referred particularly to Mr. Lawrence. The committee for the mint consisted of eight members:

The lord general
Colonel Jones
Alderman Titchborne
Colonel Bingham
Captain Stone
Dr. Goddard
Colonel Cromwell
Colonel Barton

the quorum two; the business commended especially to Alderman Titchborne and Colonel Bingham. The committee for the ordnance contained fourteen members:

The lord general
Sir William Brownlow
Colonel Fleetwood
Mr. Anlaby
Sir William Roberts
Colonel Barton
Captain Howard
Mr. Major
Mr. Strickland
Colonel Rous
Colonel James
Major General Desborough
Mr. Carew
Major General Harrison

the quorum three; to Captain Howard this work especially committed. The nine members of the committee for examination were:

Sir Anthony Ashley Cooper
Mr. Sadler
Colonel Bingham
Colonel Rous

Mr. Strickland
Colonel Sydenham
Sir Charles Wolseley
Mr. Bennett
Colonel Barton

the quorum to be two or more; Mr. Bennett to be particularly in charge of this work.[33] In effect, there was a chairman for each one of these committees, though he was not specifically bidden to preside over meetings. Of all the committees but one Cromwell was a member. Several of the members were on several of the committees.

Although there was a standing committee of the council for Scots and Irish affairs a committee was shortly after appointed to confer with army officers about affairs in Scotland. It contained seven members:

The lord general
Major General Desborough
Viscount Lisle
Captain Howard
Sir Gilbert Pickering
Colonel Cromwell
Sir Charles Wolseley

the quorum any four or more.[34] 2 December 1653 the house of commons referred it to the council of state to bring in a bill constituting commissioners for the admiralty and the navy, specifying their names and their powers. Next day the bill was reported, the commission constituted, and presently instructions were given. There were seven members, of whom two were members of the council of state:

Colonel Philip Jones
Colonel Clerk
John Stone

[33] S. P. D., Interregnum, I 72, 8, 9 November 1653.
[34] *Ibid.*, 23 November 1653.

Edward Horsman
William Burton
Vincent Gooking
Lieutenant Colonel Kelsey

their appointment was for six months; the quorum was five.[35] A few days later the eighth council of state held the last of its meetings.

In the interregnum records for the time of the commonwealth there is much information about committees of the councils of state, but in many ways it is less good than similar information in the privy council register and the state papers before the civil wars began. Some of the interregnum records contain orders for the most part. They tell how and when the committees were appointed, but often give no lists of those present at the meetings. There is often nothing about where the committees met or how frequently their regular meetings were held. There is, however, much information about the business which the committees transacted.

In 1651 the committee of trade and foreign affairs was ordered to meet in the "Horse Chamber" each Wednesday and each Friday morning.[36] Shortly before this the committee for Irish and Scottish affairs had been bidden by the council of state to meet the next morning.[37] In August 1653 the committee for foreign affairs was ordered to meet each Tuesday, Thursday, and Saturday morning.[38] Probably most of the committee meetings were held at Whitehall.

Of attendance not much can be said. During March 1650 there were twenty-one meetings of the admiralty committee: the attendance generally three, sometimes two, sometimes four; Sir Henry Vane almost invariably present, Colonel Purefoy, Colonel Walton, and Challoner

[35] *C. J.*, vii. 361, 362.
[36] S. P. D., Interregnum, I 66, 17 December 1651.
[37] *Ibid.*, 1 December 1651. [38] *Ibid.*, I 70, 16 August 1653.

frequently so.[39] Generally the attendance at this committee, when recorded, or as deduced from signatures to warrants, orders, or letters, seems to have been two or three, and seldom much larger. The quorum was always designated when the committee was appointed: generally three, sometimes two or four. In the standing committees of the last council of state one or two particular members were in each case given responsibility for management of what was entrusted to the committee in question.

In these commonwealth committees, as in those of the earlier privy council, some of the principal members appear to have done most of the work. Some, like Sir Henry Vane, were generally on the committees. A small group constituted a fairly constant nucleus in various committees. As each succeeding council to some extent continued the membership of the council preceding, so succeeding committees often had members who had been on like committees preceding.

Business was constantly referred from the council of state to the various standing committees. In 1649 the council referred it to the committee for the navy to consider how in the future prisoners taken at sea should be secured.[40] About the same time the council referred some business of Sir Francis Willoughby to the committee for Ireland.[41] The next day it wished the army committee to provide powder for service in Ireland.[42] To the navy committee was given order to pay a sum of money to Colonel Deane for victualling the fleet in the Irish seas.[43] In 1650 the council ordered the committee for the affairs of Ireland to confer with another group about drawing up an act

[39] *Ibid.*, I 123, 2, 4, 6, 7, 8, 9, 11, 13, 14, 15, 16, 18, 19, 20, 22, 23 March 1649-50, 25, 26, 27, 28, 29 March 1650.

[40] *Ibid.*, I 62, 10 April 1649.

[41] *Ibid.*, 6 July 1649.

[42] *Ibid.*, I 94, 7 July 1649.

[43] *Ibid.*, 9 July 1649.

for the sale of estates of delinquents who had fought in Ireland.[44] Somewhat later the council of state ordered the committee for the admiralty to command the commissioners of the navy to provide for three thousand men in the fleet the next winter.[45] In 1652 the council ordered the navy commissioners to attend the committee of the council for the admiralty the next morning for a conference about prize ships to be fitted out as men-of-war, the navy commissioners to bring in a complete list of them to be presented to the house of commons.[46] In 1653 the council referred to the admiralty committee the petition of the governor and company of merchants trading to the East Indies.[47] Somewhat later the Irish and Scots committee was bidden to consider executing the order of parliament for dismantling Bristol Castle.[48]

On occasion the council would refer to committees business other than that to which they were formally appointed to attend. In 1651 the Irish and Scots committee was ordered to consider what was further to be done for carrying on certain business relating to Jersey.[49] Shortly after the council referred it to the same committee how money might be quickly got for intelligence, or secret service, and obtaining information from abroad.[50] Evidently this committee was very important then, like the committee of foreign affairs before 1638 and after 1660. Next day the council of state decided that the order of parliament just given concerning the treasuries should be referred to consideration of the committee for Irish and Scots affairs, whose members were to report to the council of state, that a report might then be made to

[44] S. P. D., Interregnum, I 64, 12 March 1649-50.
[45] *Ibid.*, ix, 29 June 1650.
[46] *Ibid.*, I 32, 1 September 1652.
[47] *Ibid.*, I 40, 15 March 1652-3.
[48] *Ibid.*, I 41, 15 April 1653.
[49] *Ibid.*, I 23, 3 October 1651.
[50] *Ibid.*, I 66, 4 December 1651.

parliament from the council in accordance with parliament's command.[51] In 1652 the council ordered: "That it be referred to the Comittee for Irish & Scottish affaires to consider of the provideing of money for the Exigencies of the Councell and to make a report concerning the same wth all Convenient speed."[52] The following year four members of the council, or any two of them, were appointed a committee to join with the committee for Scots and Irish affairs—of which for some time there had been not so much mention, in examining various papers containing accounts of the Tower, and report to the council of state.[53] A month later the council referred it to the committee for Scots and Irish affairs to consider of some fit person to be governor of Virginia, and report thereon to the council.[54]

To the committees came not only matters referred to them from the council, but communications from various officers and commissioners also; and to the council of state were returned reports or recommendations concerning the business committed. In 1649 the admirals of the fleet sent proposals to the committee of the council for the affairs of the navy; whereupon, the admiralty committee ordered the commissioners of the navy to consider and report thereon to the committee on the following Friday.[55] A week later the admiralty committee resolved that Sir Henry Vane should report the estimate of the charge of the fleet to the council of state, and, the council having bidden him do so, he reported it to parliament next day.[56] About the same time, "Att the Com^tee^, appoynted by the Counsell of State for carryinge on the affaires of the

[51] *Ibid.*, I 66, 5 December 1651.
[52] *Ibid.*, I 68, 6 December 1652.
[53] *Ibid.*, I 71, 26 October 1653.
[54] *Ibid.*, I 72, 26 November 1653.
[55] *Ibid.*, I 123, 14 March 1648-9.
[56] *Ibid.*, 22 March 1648-9; I 62, 23 March 1648-9.

Am^rlty & Navy", it was ordered that the "Comissionrs of the Navy" should be asked to consider and report how it would be most convenient to provide additional victuals for two months for the fleet.[57] In 1650 the admiralty committee ordered the navy commissioners to appoint some one to look after a ship cast away and then make a report.[58] In 1653 "Instruccons to be obserued by the Comrs of the Navy", containing regulations about sick and wounded men, were given out by the admiralty committee.[59]

What was agreed on in the committees was generally reported to the council, which usually accepted the recommendations. In 1650 the council of state resolved that several reports brought up from the committee for Irish affairs should be approved.[60] A month later the council resolved "That the reports brought in from the Committee for Ireland bee approved of."[61] At a meeting in 1650 the council approved a report of the committee for Irish affairs and another from that of the admiralty.[62] In 1653 the committee for the affairs of Ireland and Scotland referred for decision a matter to the council of state.[63] Later that year the same committee reported to the council upon business about which a merchant had petitioned the council; acting on the report the council then ordered the commissioners of the admiralty to pay the petitioner a debt owing to him.[64]

Much time was taken sometimes, it would seem, in getting from committee to council or from one committee to another. In 1654 a correspondent speaking of his claim for damages, said that after having been heard by the judges of the admiralty, "then it pasd the Comitee

[57] S. P. D., Interregnum, i, 31 March 1649. [58] *Ibid.*, ix, 2 April 1650.
[59] *Ibid.*, xxxii, 4 January 1652-3.
[60] *Ibid.*, I 63, 13 February 1649-50.
[61] *Ibid.*, I 64, 12 March 1649-50. [62] *Ibid.*, 12 April 1650.
[63] *Ibid.*, xxxii, 18 January 1652-3.
[64] *Ibid.*, xl, 24 May, 22 September 1653.

for scotch & Irish afaires: & the Comitee for foraine afaires: & returnd to the Counsell: soe th^t^ when I may haue satisfaction I pseue is uery unsertaine." [65] On another occasion parliament referred it to the council of state to consider how the postage of inland and foreign letters might best be managed. The council referred the matter to the Scots and Irish committee, who appointed a day when sealed offers might be given in. Certain ones outbid all the others. But though the proceedings of the committee were that night reported to the council, "yet through the prevalency of Mr. Prideaux and his party, we could never obtaine a resolution of the Councel thereupon, nor have it reported from them to the Parliament." [66]

Following the forcible dissolution of the nominated parliament the commonwealth came to an end; and the protectorate began with the assumption of the office of lord protector by Cromwell, 6 December 1653. That day the protector's council, constituted by the Instrument of Government, had its first sitting. Because of greater stability and power, lesser dependence upon parliament, and association with a single executive officer above it, this council was more like the old privy council of the king than the commonwealth councils of state had been.

For whatever reason, the committee system was for a while less used than in the period of the commonwealth, some of the work of the principal standing committees of the previous years being done by associated boards of commissioners now. It should be noticed that the term "commissioners" rather than "committee" was much employed, even where the group was a part of the council. In December 1653 the protector's council ordered a message taken to the Dutch deputies that his highness had

[65] Robert Swanley to General Monk, 2 February 1653-4: *ibid.*, lxvi. 2.

[66] "The Case of the First Undertakers for reducing of Letters to half the former Rates, truely stated" (no date) in *ibid.*, lxvii. 65.

appointed some of the council "to be Com^rs to conferre with them", and that a conference with them was desired the next afternoon.[67]

There was now no committee of the council or group of council commissioners for the admiralty and the navy, as there had been under the commonwealth councils. Instead there were commissioners of the admiralty and the navy, who had been appointed by act of parliament, and who constituted, in effect, a subordinate council or an admiralty board. The members continued to send out their orders as before.[68] One of them was Desborough, a member of the protector's council. In January 1654 it was ordered by the protector's council, Cromwell himself being present,[69]

> That the Com^rs appointed by Act of Parlam^t, for carrying on the affaires of the Admiralty, and Navy, for the tyme being, be hereby impowred and authorized, to give warrants to the Trēar of the Navy, for the paym^t of all such moneyes, as are or shalbe due, and owing, for stores and amunition, as well for the Land as Sea Service: And alsoe that the said Com^rs, be impowred, to Contract for such provisions of stores & amunicon, for supply of the Armyes, and Guarrisons, w^th^in this Comonwealth, as they shall thinke fit, and the Trēar of the Navy, is hereby authorized, and required, to pay such warrants, as shall from tyme to tyme, be issued by the said Com^rs, for stores and amunition accordingly.

At a meeting of the council in June an ordinance for continuing the commissioners for ordering and managing the affairs of the admiralty and the navy was read the first and the second time, and agreed and ordered to be

[67] S. P. D., Interregnum, I 75, 21 December 1653.
[68] *Ibid.*, lxii, 12, 14, 19, 21, 27, 28 December 1653.
[69] *Ibid.*, I 75, 10 January 1653-4.

presented to his highness as the advice of the council. A few days after it was passed.[70] The same was again done in the council in September.[71] The commissioners had been meeting at Whitehall. In January 1655 a committee of the council to which the matter had been referred, decided to lease Derby House for this purpose, and ordered the surveyor general to receive it into his keeping.[72]

In November 1655 the protector and the council appointed eleven "Com^rs of Our adm^ty & Navy of this Comonwealth":

Major General Lambert
Major General Desborough
Colonel Jones

of the protector's council, together with two of the commissioners of the treasury, Blake—one of the generals at sea, General Monk—commander-in-chief in Scotland, and others. The quorum was to be three.

For these commissioners exhaustive regulations were made by the council. They were to meet and consult on the affairs of the admiralty and the ordnance office, and regulate them. Replace corrupt officers, and employ only honest and able men in places of trust. Survey the ordnance stores, magazines, ships, dockyards, and report to the council. Issue warrants for repairing and keeping in a good state the above, and dispose of what was useless. Issue warrants for building new ships, and for the arming and furnishing ships or fleets. By the advice and consent of the council they were to direct the movements of ships for guarding the seas about England, Scotland, and Ireland. From time to time they must certify the sums required for the navy and the stores, so that the council might accordingly give warrants to the treasury commis-

[70] *Ibid.*, 1, 13 June 1654.
[71] *Ibid.*, 2 September 1654.
[72] *Ibid.*, 25 January 1654-5.

sioners. They were to take special care that money issued to the treasurer of the navy was frugally expended, and the treasurer must observe their orders. They were to appoint clerks and other officers. They were to execute the orders of parliament of 22 December 1652 for encouraging mariners. They were to execute the powers given to the late commissioners, 29 February 1654, about prizes, also other authority given concerning the Forest of Dean and the ordnance office. They must carry out all further instructions given by the council. They might order the felling of timber for the navy. They were to direct iron works for casting round shot and making of ordnance. They were to issue warrants to the prize goods commissioners to deliver to the navy commissioners ships, ammunition, and provisions. They were to preserve the stores from waste, embezzlement, and fraud. When necessary they might call a council of war, consisting of themselves, the navy commissioners, and such other officers and captains of the fleet as they might think well, seven of whom—or thirteen, in cases that involved life and death—might be a court to try offenders against the laws of war and the ordinances of the sea, this court to administer oaths and give judgment. They might administer oaths with respect to naval affairs, summon persons, send for writings, papers, or witnesses. They were to have the same power to commit those who had abused their trust by stealing or receiving the state's stores as any high admiral of England had possessed.[73]

In the earlier part of 1657 the "Com^{rs} of the Adm^{lty} & Navy" were twelve persons, of whom five were members of the protector's privy council: [74]

Major General Lambert
Lord Montagu
Lord Sydenham

[73] S. P. D., Interregnum, I 76A, 8 November 1655.
[74] *Ibid.*, clviii. 104.

Lord Desborough
Lord Philip Jones

At times, after the protectorate had been set up, the student is puzzled by allusions to committees and to commissioners whereof apparently there is no record in the orders of Cromwell's council. It may be that some of the commissions and departmental bodies of the period preceding were continued in spite of the revolution by which the commonwealth was overthrown and the protectorate established. It may be that committees were appointed but that record of appointment does not remain. For example, in December 1652 an act had been passed by parliament appointing four—Dennis Bond, Francis Allein, John Downes, and Cornelius Holland—a committee to inquire into the several revenues and treasures belonging to the commonwealth, the bringing them into one channel, and how expenses of administration could be reduced.[75] In December 1653 a petition was referred by Cromwell and his council to the "Com^rs for Inspections".[76] But there had been no reference to such commissioners since the new council assembled. A week later an ordinance was passed by the protector and his council appointing eight commissioners, of whom two were members of the protector's council and three others members of the preceding council of state, to inspect the treasuries, and study how all the revenues could best be brought into one channel and managed with the least charge.[77] For example also, in February 1654 a letter was sent from the admiralty committee to the navy commissioners.[78] But apparently, from the records, no committee of the protector's council for the admiralty had yet been appointed.

On the establishment of the protectorate temporary committees of the council were appointed to draft ordi-

[75] *Ibid.*, xxvi. 10.
[76] *Ibid.*, I 75, 24 December 1653.
[77] *Ibid.*, xlii. 75, 76; I 75, 31 December 1653.
[78] *Ibid.*, lxvi, 22 February 1653-4.

nances or to attend to particular business, but important standing committees were not formally constituted at first.[79] During the first two months there were many temporary committees: such as a committee of two to prepare an act for the probate of wills, a committee of three to bring in the draft of a bill for the excise, a committee of two to prepare a bill concerning treason, a committee of three concerning Barbados business, a committee of seven to consider the ordinance to appoint a committee of the revenue, a committee of three to consider of the establishment of the army, a committee of two to explain certain business concerning Stralsund, a committee of three to bring in an ordinance for the sale of forest lands, while numerous committees were appointed to consider petitions.[80]

Some standing committees were presently established. In December 1653 order was given that the draft of an act should be prepared and brought into the council for "renewing the powers of the Comittee for the Army & Treasurers at Warre".[81] In January there was an order constituting a committee to consider the establishment of the army and the business of a committee of the army.[82] A few weeks later a committee of the army was appointed by an ordinance of the council.[83] It would seem that at first, at all events, committees were appointed by ordinances passed in the protector's council, and not merely named in council as committees of the privy council once had been by the king.[84] In December 1653 a committee

[79] S. P. D., Interregnum, I 75.

[80] *Ibid.*, I 121, 20, 21, 29 December 1653, 3, 4, 12, 19, 20 January 1653-4.

[81] *Ibid.*, I 75, 20 December 1653.

[82] *Ibid.*, 4 January 1653-4.

[83] *Ibid.*, I 76A, 28 January 1653-4.

[84] "The Lord President likewise presented to his Highness an Ordinance appointing a Comittee for preservation of the Customes ingrossed which was read the third tyme and passed by his Highness wth the Consent of his Councell for a Law." *Ibid.*, I 75, 29 December 1653.

of five was appointed to consider Scots business, though whether this was a standing or a temporary committee is not certain:

Major General Lambert
Sir Anthony Ashley Cooper
Colonel Sydenham
Colonel Jones
Sir Charles Wolseley

The quorum was to be three. Mr. Scobell, clerk of the council, was to be assistant to them.[85] Somewhat later five others were added to this "Comᵉᵉ for the affaires of Scotland", and there is frequent mention of it. References occur also to a committee for the affairs of Ireland.[86] A "Committee for regulateing of Customes and Excise" also seems to have been appointed, and it was certainly doing business somewhat later.[87]

After a while there were a number of standing committees of the protector's council, for there are many allusions to them, and frequent references of business to them, but apparently the records do not in most cases contain any notice of their appointment. Later on, however, record of formal appointment appears. In June 1654 at a meeting of the council "Severall Comittees were this day appointed by his Highnesse for severall Services": [88] a committee of three "for the Lawe"

Colonel Mackworth
Sir Charles Wolseley
Mr. Strickland

a committee of four "for Treatyes with fforeigne Ministers"

Colonel Fiennes
the lord president

[85] *Ibid.*, 26 December 1653.
[86] *Ibid.*, I 77.
[87] *Ibid.*, I 75, 29 December 1653, 2 March 1653-4.
[88] *Ibid.*, 20 June 1654.

Sir Gilbert Pickering
Sir Anthony Ashley Cooper

a committee of three "for safety and Examinations"

Major General Lambert
Colonel Sydenham
Colonel Jones

a committee of three "for Religion"

Major General Skippon
Mr. Major
Mr. Rous

a committee of three "for the Treasuryes"

General Desborough
Colonel Sydenham
Colonel Montagu

In March 1655 seven members of the council were appointed to be "a Comittee for fforreigne plantations to receive and take Consideration of all proposalls and other matters referring to the English forreigne plantations":

Lord Lambert
earl of Mulgrave
General Desborough
Colonel Fiennes
Sir Gilbert Pickering
Sir Charles Wolseley
Lord Lisle

and a little later two other members were added when the committee was ordered to consider the improvement of fortifications in Acadia:

Colonel Montagu
Colonel Sydenham

The quorum was to be three or more.[89]

In July "a Com^{tee} for Trade" was appointed, consisting of three members of the protector's council:

Sir Charles Wolseley

[89] S. P. D., Interregnum, I 122, 2 March 1654-5, 26 March 1655.

Sir Gilbert Pickering
Colonel Jones

and seventeen others, including the four commissioners of the treasury and one of the lord chief justices and some who had been in the councils of state.[90] In November Richard Cromwell, the two lords commissioners of the great seal, and twenty-two others were added to the committee of trade, and it was provided that "any of the Members of the Councell who shall come to this Com^tee of Trade shall haue voices."[91]

In January 1656 reference is made to the committee of the protector's council for the affairs of Scotland. It consisted of eight members, of whom a quorum was any four:

Lord Lambert
Lord Lisle
Colonel Fiennes
General Desborough
Colonel Montagu
earl of Mulgrave
Colonel Sydenham
Mr. Strickland

and in August five other members are mentioned:

Colonel Jones
Sir Charles Wolseley
Sir Gilbert Pickering
Mr. Rous
Major General Skippon[92]

Mention is made about this time not only of the committee for the affairs of Scotland but of a committee for the affairs of Ireland also.[93]

[90] *Ibid.*, I 76, 12 July 1655.
[91] *Ibid.*, 1 November 1655.
[92] *Ibid.*, I 122, 3 January 1655-6, 14 August 1656.
[93] *Ibid.*, cxxvi, 25 April 1656; cxxix. 47.

Information about the committees of the protector's council, considerable in some respects, is yet so fragmentary that often no more than glimpses of the various bodies can be caught, no complete information is available, and much must be subject of conjecture. 15 July 1656 ten merchants and military men were appointed a committee, outside of but under the protector's council, for managing the affairs of Jamaica, " and other his Highness affaires in the West Indyes". Place and time of meetings were appointed. The members were to take in consideration matters concerning " any the English plantacons in America ", and report to a committee of the council for Jamaica.[94] Presently, it would seem, this body is alluded to as " the Com^ee for the affaires of America." [95] Later on occurs an order " That the Comittee appoynted by an order of the 15th day of July 1656. for the affaires of America be revived ", and that they should at once consider what was to be done about certain Jamaica business, and report to the council.[96] It would seem that the council had appointed a committee of itself on Jamaica and, perhaps, other affairs in America to be assisted by a committee of non-members appointed to work upon the same business. In July 1657 two more were added to the committee for the affairs of America, neither of them members of the protector's council.[97] The committee of the protector's council for the affairs of Jamaica is mentioned somewhat later.[98]

At the first meeting of the protector's council after the adoption of The Humble Petition and Advice, was read the draft of an order appointing a committee for the army and receivers general for the assessment. The draft was then committed to six of the council or any two of

[94] S. P. D., Interregnum, I 77, 15 July 1656.
[95] *Ibid.*, 25 September 1656.
[96] *Ibid.*, I 78, 21 July 1657.
[97] *Ibid.*, 28 July 1657.
[98] *Ibid.*, clviii, 11 December 1657.

them, and next day, at a meeting of the lord protector and eight of the council, a new draft was read and approved, and certain ones named a committee for the army.[99] About the same time the lord deputy of Ireland was added to the committee of the council for the affairs of Scotland and the committee of Scotland and Ireland was revived. The quorum of each of these committees was four.[100]

Fragmentary likewise is information about the working and procedure of these standing committees of Cromwell's council. Place and time of meeting are generally not stated, and there is scarcely any information concerning attendance at the committees. In 1656, that the council might be the more free, regulation was made that no committee of the council should sit on the morning of any day appointed for a regular meeting of the council.[101] In 1658 the council gave order that the committee for the affairs of Scotland and the committee for the affairs of Ireland should meet every Wednesday afternoon and every Friday morning for dispatch of the matters that had been referred to them.[102] Probably by this time, as earlier under the commonwealth, these two committees had merged into one. The "committee" of trade appointed in 1655—composed of some members of the protector's council and a larger number of outsiders—was to sit in Derby House.[103] When it was increased somewhat later it was ordered to hold its meetings in the Painted Chamber at Westminster.[104]

The business of the committees consisted in considering or investigating business referred from the council or attending to the preliminary routine of whatever fell within certain categories of council affairs. In 1655 "At

[99] *Ibid.*, I 78, 13, 14 July 1657.
[100] *Ibid.*, 21 July 1657.
[101] *Ibid.*, I 76, 18 January 1655-6.
[102] *Ibid.*, I 78, 22 April 1658.
[103] *Ibid.*, I 76, 12 July 1655.
[104] *Ibid.*, 1 November 1655.

the Counsell at Whitehall" it was ordered that a petition delivered to his highness in council should be referred to the committee of the council for the affairs of Scotland.[105] Three years later it was ordered by his highness and the council that "the Com^rs of the Ad^ty & Navy" send back at once to the council a list of the ships most fit for immediate service.[106] The committees reported or referred matters back to the council. In 1654 the committee for the army referred a matter for consideration to the lord protector and his council.[107] In 1656 it was ordered at a meeting of the council "That Consideracon be had on Thursday next of the reporte prepared by the Com^ee of the Counsell, for the affaires of Scotland." About the same time reports from the committee of the council for Irish affairs were ordered to be considered on the following Thursday.[108] In 1658 a report from the committee for managing his highness's affairs in America was given in at the council.[109] In August of the next year "a Comittee of the Councell had Conference with the Lord Ambassador Nieupoort", and thereupon that day the council received from him a paper.[110]

In 1658, at a meeting of the privy council with ten present, it was ordered that in future each report from a committee was to be in writing, offered by one of the committee, who must not report until the draft had been shown to his colleagues and voted upon by them. Then the committee's report must be read in the council before any order was made thereupon concerning the matter.[111]

[105] S. P. D., Interregnum, ci, 14 November 1655.
[106] Bodleian Library, Rawlinson MS. A, 134, unnumbered folio at back.
[107] S. P. D., Interregnum, xcvii, 9 February 1653-4.
[108] *Ibid.*, I 77, 24, 26 June 1656.
[109] *Ibid.*, clxxxiii, 2 July 1658.
[110] Rawlinson MS. A, 134, 2 August 1659.
[111] S. P. D., Interregnum, I 78, 24 June 1658.

CHAPTER XXV

STANDING COMMITTEES OF THE PRIVY COUNCIL AFTER THE RESTORATION

BEFORE the trouble in Scotland and ensuing trouble in England had brought confusion to the English privy council of the Stuarts, the more important work of that council had been largely done in several important standing committees of the council. In respect of this there was greater specialization of function and division of labor than in any of the following councils of the commonwealth and protectorate, after Charles I had been overthrown. Following the restoration the system of standing council committees was at once revived, and until 1679, at all events, a considerable part of the work of the council was done in that manner. Afterwards, however, the council gradually losing much of its activity and greatness, the importance of these committees for the most part declined, and in course of time all but one of the standing committees of limited membership disappeared. This process was brought about by a tendency to deliver committee work to a committee of the whole council, so that standing committees were allowed to lapse or else merged into the committee of the whole. It resulted also from increasing importance of various governmental boards or departments.

During this time, however, the principal standing committee of the council—committee of foreign affairs, which had grown great under Charles I and greater under Charles II, took to itself most of the old importance and power of the privy council, and while continuing informally to be a standing committee of the council, came

finally to be rather a small, potent council itself. This separateness was never acknowledged, and what men denominated the cabinet council had its standing only from its members being of the privy council, and when they from time to time undertook to define their collective standing they recalled that the cabinet legally was the foreign committee of the privy council. In the eighteenth century, when all this was so, the cabinet was not generally thought of as a council committee, and almost never was anything that it did put into the register of the privy council either as its own work or as that of a council committee. By that time other limited standing committees of the council had disappeared altogether.

Notwithstanding that just after the Restoration the privy council—with twenty-eight members—was smaller than before the civil wars—it had contained forty-two members in 1630—yet there were probably those who remembered how the size of the council of Charles I had conduced to a system in which various kinds of administrative work had been done in standing committees of the council, and who, accordingly, favored reestablishing such committees at once.[1]

In June 1660 eight "Commissionrs for the Treasorie" were appointed, about the same time a "Comittee for Irish affaires"—twelve members, in July a "Comittee for Foraigne Plantacons", containing ten members.[2] In November ten members of the council were named on "a Comittee for the Affaires of the Navy."[3]

[1] In advice for Charles II which Clarendon, probably, wrote about 1660, he says: "An other Error in makeing so many Priuey Counsellors, As they Could not sitt att the Table,—the old saying is two can keepe Counsell if one bee away, therefore the fewer the better". Clarendon MS. 74, fo. 63. He himself assisted in promoting the foreign committee, which may have been an informal group.

[2] P. C. R., lv, fo. ii: they are noted at the beginning of this volume of the register.

[3] *Ibid.*, 9 November 1660.

The committee for Irish affairs consisted of:

The lord steward
lord general
lord chamberlain
earl of Northumberland
earl of Leicester
earl of Berkshire
Lord Roberts
Lord Seymour
Mr. Holles
Secretary Morice
Mr. Annesley
Sir Anthony Ashley Cooper

the quorum any three or more.[4] The committee for the plantations contained: [5]

The lord chamberlain
earl of Southhampton
earl of Leicester
Viscount Say and Seale
Lord Roberts
Mr. Holles
Secretary Nicholas
Secretary Morice
Mr. Annesley
Sir Anthony Ashley Cooper

The committee for the affairs of the navy had

The duke of York
lord treasurer
duke of Albemarle
earl of Sandwich
Mr. Holles
vice chamberlain
Secretary Nicholas

[4] *Ibid.*, liv, June 1660.

[5] *Ibid.*, 4 July 1660.

Secretary Morice
Mr. Annesley
Sir Anthony Ashley Cooper

three to be a quorum.[6]

In April 1661, in a council of the king and twenty at Whitehall, a committee of eight, "to consider of all Affayres concerning Ireland" and dispatches from thence, was appointed:

The duke of Albemarle
duke of Ormonde
Viscount Valentia
Lord Roberts
Mr. Holles
Secretary Nicholas
Secretary Morice
Sir Anthony Ashley Cooper

the quorum was to be three. Shortly after,

lord chancellor
lord high treasurer

were added to this committee.[7] From time to time additional members were named to committees previously appointed. In June 1662, in a council of the king and twenty-three, "This day It was Ordered, That the former Comittee of this Board for Tangier be revived; And the Earle of Sandwich, & Sr Wm Compton were added unto them."[8] In December 1666 was named a committee for foreign plantations. Of its ten members five had been of the plantations committee appointed in 1660.[9]

In the earlier years of the reign of Charles II a large number of committees, some standing, most of them particular or temporary, were appointed. During 1668 the more important part of the committee work was reorganized when new rules were made and four great standing

[6] P. C. R., lv, 9 November 1660.
[7] *Ibid.*, 3, 26 April 1661.
[8] *Ibid.*, lvi, 25 June 1662.
[9] *Ibid.*, lix, 12 December 1666.

committees of the council constituted for preliminary transaction of the weightier work of the council.[10] "His Ma^ty haveing among other the Important parts of his Affayres, taken into his Princely Consideration the way, and Method of Managing Matters at the Councill Board, And reflecting that his Councills would have more Reputation if they were putt into a more settled, and Established Course, Hath thought fitt to Appoynt certain Standing Com^ttees of the Councill for severall Businesses, together with Regular dayes and Places for their Assembling." In the privy council the king caused to be read an order for future regulation of council committees. Additions were afterward made. 12 February 1668 the regulations were allowed. These standing committees were for foreign affairs, for the navy, for trade, and for complaints and grievances.[11]

The committee of foreign affairs consisted of nine or ten members:

The duke of York
Prince Rupert
lord keeper
lord privy seal
duke of Buckingham
duke of Albemarle
duke of Ormonde
Lord Arlington
Secretary Morice

Apparently Secretary Trevor was added later. To this "Committee of Forraine Affayres" the king also referred "the Corresponding with Justices of the Peace, and other his Ma^ts Officers and Ministers in the severall Countyes of the Kingdome, Concerning the Temper of the Kingdome &c^t[12]

[10] Egerton MS. 2543, fos. 205, 206.
[11] P. C. R., lx, 31 January, 12 February 1667-8.
[12] *Ibid.*, 12 February 1667-8.

"Such Matters as Concerne the Admiralty and Navy, as also all Military Matters, Fortificacons &c^{t} so farr as they are fitt to be brought to the Councill Board, without Intermedleing with what Concernes the Proper Officers (unless it shall by them be so desired)" were by the king given over to a committee of fifteen members:[13]

The duke of York
Prince Rupert
duke of Albemarle
lord chamberlain
earl of Anglesey
earl of Carlisle
earl of Craven
Lord Arlington
Lord Berkeley
Lord Ashley
the comptroller
the vice chamberlain
Secretary Morice
Sir William Coventry
Sir John Dunscombe

Later on four others were added:

earl of Middleton
lord keeper
duke of Buckingham
duke of Ormonde

"A Committee for the Business of Trade, under whose Consideration is to come whatsoever Concernes his Ma^{ts} Forraine Plantacons, as also what Relates to his Kingdomes of Scotland or Ireland, in such Matters only Relating to eyther of those Kingdomes, as properly belonge to the Cognizance of the Councill Board, the Isles of Jersey

[13] P. C. R., lx, 12 February 1667-8, 29 July 1668.

and Guernsey." This committee of trade contained fifteen members:[14]

The duke of York
lord privy seal
duke of Buckingham
duke of Ormonde
earl of Ossory
earl of Bridgewater
earl of Anglesey
earl of Lauderdale
earl of Arlington
Lord Holles
Lord Ashley
comptroller of the household
vice chamberlain
Secretary Morice
Sir William Coventry

Four other members were added later:

earl of Carlisle
earl of Craven
Viscount Fitzharding
earl of Sandwich

This committee presently absorbed previous standing committees of the council for Jersey and Guernsey and for Irish affairs. In February 1668, however, in a council of the king and nineteen at Whitehall, a petition of inhabitants from Jersey being read, it was ordered "That the Matter therein Contayned; be, and hereby it is Referred to the Lords of his Ma^ts^ most hono^ble^ Privy Councill, the Com^ttee^ for the Affayres of Jersey and Guernsey."[15] Somewhat later, Sir Edward Carteret, his majesty's bailiff in Jersey, having presented proposals for the right administration of justice and the good of the

[14] *Ibid.*, 12 February 1667-8, 10 June 1668, 13 January 1668-9.
[15] *Ibid.*, 17 February 1667-8.

island, they were referred to the committee for Jersey and Guernsey, and after being altered by them in some particulars, were read before the king in privy council and approved.[16] A little after this a petition for the continuance of a pension was referred from the privy council "to the Lords of his Maties most Hono^{ble} Privy Councill appointed a Comittee for the Affayres of Ireland."[17]

Finally, "A Committee to whom all Peticons of Complaint and Grievance are to be Referred. In which his Ma^{ty} hath thought fitt hereby particularly to prescribe, not to meddle with Property, or what relates to Meum and Tuum. And to this Committee his Ma^{ty} is pleased that all Matters which Concerne Acts of State, or of the Councill be Referred." The committee contained seventeen members:[18]

The duke of York
archbishop of Canterbury
lord keeper
lord privy seal
lord great chamberlain
lord chamberlain
earl of Bridgewater
earl of Anglesey
earl of Bath
earl of Carbery
Viscount Fitzharding
Lord Arlington
Lord Holles
Lord Ashley
Secretary Morice
chancellor of the duchy of Lancaster
Sir John Dunscombe

[16] P. C. R., lx, 8, 24, April 1668.
[17] *Ibid.*, 15 May 1668.
[18] *Ibid.*, 12 February 1667-8.

At the same time it was ordered that all matters relating to the treasury in England or in Ireland should be referred immediately to the lords commissioners of the treasury, from whom matters might come again to the council board in case they were of such nature that the commissioners could not or would not willingly determine therein.[19]

In the years that followed many committees were appointed, most of them temporary, for some particular purpose, some of them standing committees, some for particular business of considerable duration, perhaps. In 1669 the king in a council of eighteen at Whitehall, appointed a committee of five, including the archbishop of Canterbury, the lord chamberlain, and the bishop of London, to consider how a collection might be made in London for the redemption of captives.[20] Some years later was appointed a committee of trade and plantations containing twenty-one members.[21] At the beginning of 1679 Charles, in a council of twenty-one at Whitehall, appointed ten members to be a committee to consider Irish bills and report thereon to king in council: [22]

The lord chancellor
lord privy seal
lord chamberlain
earl of Salisbury
earl of Bridgewater
earl of Clarendon
earl of Essex
Lord Berkeley
Secretary Coventry
Secretary Williamson

[19] *Ibid.*
[20] *Ibid.*, lxi, 2 June 1669.
[21] *Ibid.*, lxiv, 12 March 1674-5.
[22] *Ibid.*, lxvii, 15 January 1678-9.

In April 1679 the privy council of England was reconstituted, and a considerable reform of the council was promised and seemed to be made. At the first meeting of the new council "His Maty was this Day in Councill pleased to Nominate & appoint the Standing Comittees of the Board": "For Intelligence", "For Ireland", "For Tangier", "For Trade & Plantations".[23]

The committee for intelligence had nine members:

The lord chancellor
lord president
duke of Monmouth
lord chamberlain
earl of Sunderland
earl of Essex
Viscount Halifax
Secretary Coventry
Sir William Temple

This was a group of the principal politicians and most important leaders of the realm, embracing dangerous opponents and faithful supporters whom the king strove to hold together in his interest for the moment. It was in reality a continuation of the committee of foreign affairs, which parliament had opposed so bitterly in the years preceding, and which Charles had promised to have no more. As the danger of this period of the Popish Plot and the exclusion struggle waned, the committee of intelligence speedily became again a committee of foreign affairs, and was soon what men were calling "the committee" or the cabinet council.

The committee for Ireland contained ten members:

The lord chancellor
lord president
lord privy seal
earl of Salisbury

[23] P. C. R., lxviii, 22 April 1679.

earl of Sunderland
earl of Essex
Viscount Halifax
Lord Roberts
Secretary Coventry
Mr. Seymour

"to consider of all matters that shall be referred unto them, by this Board, And to make report thereof from time to time unto this Board." The committee for Tangier, thirteen members:

The lord chancellor
lord president
lord privy seal
duke of Monmouth
marquis of Winchester
lord chamberlain
earl of Sunderland
earl of Bridgewater
Viscount Fauconberg
Viscount Halifax
Secretary Coventry
Sir Henry Capel
Sir Thomas Chicheley

"to be a Comittee for the Consideracon of all matters relateing to Tangier. & to make report thereof from time to time unto this Board." The committee for trade and plantations, twenty-two members:

The lord chancellor
lord president
lord privy seal
duke of Albemarle
duke of Lauderdale
duke of Ormonde
marquis of Winchester
marquis of Worcester

lord chamberlain
earl of Bridgewater
earl of Sunderland
earl of Essex
Viscount Fauconberg
Viscount Halifax
bishop of London
Lord Russell
Lord Cavendish
Lord Holles
Secretary Coventry
chancellor of the exchequer
Sir William Temple
Mr. Powle

"to be a Comittee for the Consideration of all matters relateing to Trade & forreigne Plantations, And to make report thereof from time to time unto this Board." [24] In May Charles in council ordered that "the Committee of this Boord appointed for Trade and plantations, be likewise a Committee for the affaires of Jersey and Guernsey." [25] This is an example of the merging of committees or the giving over to one committee the tasks of another, that tended towards the establishment of the committee of the whole privy council that was now beginning to develop.

After 1679 there is not infrequent mention of the various standing committees of the privy council, additional ones being established. In 1682 a report was made by "the Lords Comittees of Councill for the Affaires of Tanger".[26] In the first month of his reign James II, in a council of twenty-six at Whitehall, "was pleased . . . to Order, That the severall standing Committees of Councill appointed in his late Ma^{tys} time, be revived. And

[24] P. C. R., lxviii, 22 April 1679.
[25] *Ibid.*, 7 May 1679.
[26] *Ibid.*, lxix, 3 September 1682.

that their Lo^ps do meet about all Matters referred unto them, as they did before his late Ma^ts Demise." [27]

In February 1689, at the first meeting of the privy council of William and Mary, the king by an order in council appointed a "Committee for the affairs of Ireland" containing nine members:

The lord president
lord privy seal
lord steward
earl of Shrewsbury
Viscount Fauconberg
Viscount Mordaunt
Lord Churchill
Marshal Schomberg
Mr. Harbord

It may be noted that Schomberg and Harbord were not sworn members of the privy council until a little later, they having to take certain oaths enjoined by parliament instead of the oaths of allegiance and supremacy. During three months this committee met frequently, sometimes in the presence of the king.[28]

In February also the king in council ordered that twelve members should be "a Com^tee of this Boord for Trade & fforrain Plantations":

The lord president
lord privy seal
lord steward
earl of Shrewsbury
earl of Bath
earl of Nottingham
Viscount Fauconberg

[27] *Ibid.*, lxxi, 20 February 1684-5.

[28] *House of Lords MSS., H. M. C.*, 12th report, appendix, vi. 179; P. C. R., lxxiii, 14 February, 8 March 1688-9, 25 April 1689.

Viscount Mordaunt
bishop of London
Sir Henry Capel
Mr. Powle
Mr. Russell

any three of them to be a quorum.[29] Ten days later it was ordered by William in council at Whitehall that these same members of the council, "(being the Com^{tee} for Trade & Plantations) Be and they are hereby constituted & appointed a Committee of this Boord for the Affaires of Jersey & Guernsey, And it was further Ordered, That the R^{t} Hono^{ble} the Lord Lumley be added to both the said Committees." [30] In December the earl of Portland and Viscount Lumley were added to the Irish committee.[31]

The standing committees appointed at the beginning of the reign of William and Mary continued in operation, and there are allusions to them not infrequently in following years. Other standing committees of the council, however, do not seem to have been established, though that cannot be surely ascertained, for the names of what might be standing committees appear at times in the records of business transacted, though they would seem on the whole to be particular names applied to the committee of the whole council. Generally speaking, council business that was not done in the council itself was done now in " the committee " or else in the committee of the whole council which might act under various names. In November 1694 there was a meeting of the committee for the affairs of Jersey and Guernsey.[32] During that year and the year preceding there are numerous references to the committee of trade and plantations and not a few to the committee of Jersey and Guernsey.[33]

[29] P. C. R., lxxiii, 16 February 1688-9.
[30] *Ibid.*, 26 February 1688-9.
[31] *Ibid.*, 5 December 1689.
[32] *Ibid.*, lxxv, 20 November 1694.
[33] *Ibid.*, lxxv.

In November 1694 a new "Committee for Ireland" was appointed. It consisted of twelve members, of whom any five might be a quorum: [34]

The lord keeper
lord president
lord privy seal
duke of Shrewsbury
marquis of Normanby
earl of Romney
earl of Ranelagh
Lord Godolphin
Lord Coningsby
Secretary Trenchard
chancellor of the exchequer
Sir Henry Goodricke

About the end of 1694 or the beginning of 1695 an anonymous writer offered William detailed advice with respect to many matters that concerned effective working of the privy council and its committees. It would seem that he did this after the death of Mary and just before the establishment of the first collective regency of lords justices, which was constituted before the king's departure for the Netherlands, 12 May 1695. He says: [35]

> The King may be pleased also to order a certain number of Privy-Councellours to be a standing Committee for the Plantations, and of such as are likely to attend it; and that it should meet two mornings in a week on fixed dayes, and not according to the leasure or humour of a President of the Councell.
>
> The King may settle also a Committee for Ireland to sit once a fortnight; but neither of these Committees will signifie any thing, unless your Maty tell them solemnly at your going to Flanders, that you expect

[34] *Ibid.*, lxxv, 29 November 1694.
[35] S. P. D., King William's Chest, xiii. 10, 10a.

exact attendance at those Committees and that you have ordered the Cleriks to write in a book theyr names who shall fail any day to come.

After various recommendations about the regency, the council, and other things, he continues:

Your Maty will please to observe that I humbly propose a select number for all Committees, instead of all the Councell, as it is now; because now every body's business is nobody's, whereas the other way, such will be charged with it who are most capable of attending and understanding it.

One of the clerks of the privy council wrote an account of how petitions were referred from the council to the various persons or committees who were to consider them. He enumerated many kinds of petitions and the several officials to whom they ought to be referred, but spoke of few committees. Frequently, he said, particular matters were referred to particular persons; plantations matters to the council of trade; Jersey affairs to the committee of Jersey or the committee of the "whole Councill".[36]

The procedure of referring council business to the whole council as a committee, already evident to observers, prevailed increasingly in the latter part of William's reign. In 1696 he appointed all the members of the council to be a standing committee to hear appeals from the plantations.[37] During these years there are, indeed, repeated references to the committee for the affairs of Jersey and Guernsey and to others, but more and more it is apparent that these designations are of the committee of the whole privy council in respect of particular busi-

[36] Edward Southwell, Privy Council Routine: Add. MS. 34349, fos. 19, 20. This undated note may have pertained to 1696 or, less probably, to a time a score of years earlier. Southwell became clerk of the council in extraordinary in 1693 and clerk in ordinary in 1699.

[37] P. C. R., lxxvi, 10 December 1696.

ness or some of the business upon which it happened to be engaged at the moment. At a meeting of "the Committee for Hearing of Appeals from the Plantations &c" at Whitehall in 1700, at which four were present, the committee considered an appeal from the Bermudas and an appeal from the royal court of Guernsey, and granted permission to a certain one in Yorkshire to travel on business from his home more than the five miles to which he had been restricted.[38] Meetings of such committees were now frequently reported in the council register: they were often attended by important members of the council, and much business was referred from the council to them.[39] Altogether, during this reign few limited standing or temporary committees were appointed, in the later years apparently none.[40]

Nothing, it would seem, was done following the accession of Anne about the appointment of standing committees, yet they are in evidence shortly after she came to the throne. Either they were continued from the reign preceding, or, more probably, a committee now was apt to be the council acting as a committee. In March 1702 at a council of the queen and twenty-five at Whitehall, "a Report from the Committee appointed for hearing Appeals from the Plantations" was read at the board.[41] A little later an order in council was given "upon a Report from the Committee for hearing Appeals".[42] In December the committee for hearing appeals from the plantations and for Jersey and Guernsey, at Whitehall, nine being present, considered Guernsey and New Hamp-

[38] *Ibid.*, lxxviii, 8 July 1700.

[39] *Ibid.*, lxxviii.

[40] *Ibid.*, lxxiii-lxxviii

[41] *Ibid.*, lxxix, 18 March 1701-2.

[42] Journal of the Commissioners for Trade and Plantations (Board of Trade): C. O. (Colonial Office) 391, xv, 11 August 1702.

shire business.[43] That this committee was a committee of the whole privy council, at least on occasion, is evident enough. In 1703 a dispute about the right to the palls, canopy, and other things used at the late king's funeral was referred from the council to "the Lords of the Committee of the whole Councill". Next day, "At the Committee for Hearing of Appeals from the Plantations, and from Jersey and Guernsey" certain Guernsey business was dealt with and also the business of the canopy and palls.[44]

The indefinite and gradual process of this merging is reflected to some extent in the phraseology employed in respect of committees at this time. In 1703 the queen in council ordered a petition from Guernsey referred to "the R^{t} Hono^{ble} the Lords of the Councill who are a Committee for the Affaires of Jersey and Guernsey", which taken by itself might designate either a particular committee or assert that the council was a committee for such business.[45] Shortly after "Directions were given for drawing a Report upon the order of the Committee of Council for Appeals", which might well, in default of a greater weight of evidence elsewhere furnished, seem to refer to a particular, limited committee of the council.[46]

What was called the committee of the council for the affairs of Jersey and Guernsey, and what was denominated the committee of the council for hearing appeals from the plantations—both of them become committees of the whole privy council or two aspects of that committee—continued for a long time to be mentioned. In 1710 at a council held at St. James's matters were referred to the committee for the affairs of Jersey and Guernsey.[47] Three years later a report was made "to the Lords of

[43] P. C. R., lxxix, 8 December 1702.
[44] *Ibid.*, 7, 8 January 1702-3.
[45] *Ibid.*, 10 April 1703.
[46] C. O. 391, xvi, 6 July 1703.
[47] P. C. R., lxxxiii, 13 December 1710.

the Committee of Council, for Hearing Appeals from the Plantations." [48] There was a meeting of this committee in the council chamber at Whitehall in 1718.[49] About the same time in the same place was a meeting of "the Lords of the Committee for Hearing Appeales from the plantations & from Jersey & Guernsey." [50] In 1721, in the council chamber, there was a meeting of the committee for hearing appeals from the plantations.[51] A few days after a meeting there of ten: "the Lords of the Committee for the Affairs of the Plantations & of Jersey and Guernzey". When their business was finished they sat as a privy council.[52] Other allusions occur now to "the Lords of the Committee for Plantation Affairs".[53] In 1724 a Carolina act was referred from the privy council to "the Lords of His Majestys Most Honourable Privy Councill". A few days later report upon it came from "the Lords of the Committee for hearing Appeals Complaints &c[a] from the Plantations." [54] In 1727 business was referred from the council to "the Lords of the Committee for the Affairs of Jersey and Guernsey." [55] Shortly after "the Committee for hearing Appeals from the Plantations" considered an appeal from Connecticut.[56] In 1731, in a council of seventeen in presence of George II at St. James's, was read a report from the lords of the committee of council for hearing appeals from the plantations.[57] In 1732 in a council of Queen Caroline—regent—and ten at Kensington, several acts from Massachusetts were referred to "the Committee of Council for Plantation Affairs".[58] In 1746 in a council meeting at Whitehall a petition from the Bermudas was referred to "the Lords

[48] C. O. 391, xxiii, 28 May 1713.
[49] P. C. R., lxxxvi, 29 January 1717-18.
[50] *Ibid.*, 14 January 1717-18.
[51] *Ibid.*, lxxxvii, 9 August 1721.
[52] *Ibid.*, 16 August 1721.
[53] For example, *ibid.*, 14 December 1721.
[54] *Ibid.*, lxxxviii, 12, 21 May 1724.
[55] *Ibid.*, xc, 5 July 1727.
[56] *Ibid.*, 16 December 1727.
[57] *Ibid.*, xci, 23 December 1731.
[58] *Ibid.*, xcii, 21 July 1732.

of the Committee of Council for Plantation Affairs." In 1756 "the Right Honourable the Lords of the Committee of Council for Hearing Appeals from Jersey and Guernsey &c^{a}" at Whitehall took up business concerning Jersey, Virginia, Massachusetts, and Jamaica, and then, sitting as a privy council, dealt with the quarantine.[59] Meanwhile, however, in 1714 and again in 1727 the whole council or any three or more of the members had been formally appointed a committee for Jersey and Guernsey, for hearing appeals from the plantations, and for such other matters as might from time to time be referred to them.[60]

Actually, by the middle of the eighteenth century establishment of particular standing committees of council had entirely come to an end, saving partial exceptions like the committees for Irish bills, which might be regarded either as temporary or as of brief standing. There were now but two standing committees of the council: the committee of foreign affairs or the cabinet—no longer a formally established committee, which men had almost ceased to regard as a council committee—and the committee of the whole privy council.

The pamphleteer who commented upon council and committee organization and wrote against cabinet government about the end of the reign of George II, on recounting the institution of standing committees by Charles II in 1668, recalled the ill effects that had come from oligarchies developed out of foreign committees. Fixed or stated committees, he said, could produce these evil results, but the crown might safely appoint "Special Committees for special Uses". King Charles had appointed "sedentary or fixt Committees" and thus in a manner the prerogative of the crown had been assigned over.[61] That

[59] P. C. R., xcix, 12 June 1746; cv, 6 March 1756.
[60] *Ibid.*, lxxxv, 1 October 1714; xc, 5 July 1727.
[61] *The Fatal Consequences of the Want of System*, etc., pp. 37, 38.

prerogative had, indeed, been largely taken by the cabinet council, and it was too late to restore it by any system of organization in the privy council; but in that council neither standing nor particular committees were any longer being appointed.

With respect to the working, the routine of the standing committees much information remains, because these more important committees and the regulations concerning them were generally recorded in the register of the council, because in the later period the register contains not a few minutes of their meetings, and because some of the committees kept their own minutes which remain for considerable times.[62]

Usually, during this period, place and time of regular meetings of the standing committees were ordained when the committees were appointed. In 1662 Charles II ordered that the weekly meetings of the committee for the plantations should be in the council chamber at Whitehall.[63] Shortly after this Pepys attended a meeting of the committee of Tangier at the rooms of the Duke of York.[64] When the committee for the plantations was re-established in 1666 it was to meet in the council chamber at Whitehall.[65] The standing committees of 1668 had each of them place of meeting appointed: the committee of trade, the committee of complaints and grievances, the committee of the navy, all in the council chamber, the committee of foreign affairs in the office of Lord

[62] For the earlier years of Charles II rough minutes of various committees by clerks of the council occur in Egerton MS. 2555, fos. 13, 15; Stowe MS. 489, fos. 35, 85; Add. MS. 37820, fos. 74, 110, 151. "The Journal of the Committee of the Privy Council for the Affairs of Ireland" is mentioned in *House of Lords MSS., H. M. C.*, 12th report, appendix, vi. 165. In 1661 Edward Nicholas wrote to the lord chancellor: "I have herein sent yor L^{pp} the result of the Comittee wch met this afternoone concerning the busines of Tanger": Clarendon MS. 75, fo. 158.

[63] P. C. R., lvi, 10 September 1662.

[64] *Diary*, 8 December 1662.

[65] P. C. R., lix, 12 December 1666.

Arlington, secretary of state—in Whitehall.[66] At Whitehall most of the committees held their meetings. The committee of the navy was there in February 1668.[67] The committee for trade met there a little later.[68] In 1689, during February, March, and April the committee for the affairs of Ireland met thirty-nine times at Whitehall and twice at Hampton Court.[69] In 1694 there was a meeting of the committee of Jersey at Whitehall.[70] About the same time the committee for trade and plantations met in the same place.[71] The committee of the whole council almost invariably came to the council chamber at Whitehall.

Regular committee meetings were generally assigned when standing committees were appointed. Additional meetings were arranged or ordered whenever desired. In 1661 Charles II ordered the committee for the affairs of Ireland to meet every Saturday.[72] In 1664 he desired that the committee of the council for the admiralty and the navy "do constantly meet every Monday Wednesday and Friday Morning . . . and oftener as Occacon shall be".[73] In 1667 at a meeting of the committee for foreign plantations those present arranged another meeting for the following afternoon.[74] Next year it was stipulated that the committee of foreign affairs should have its regular meetings on Mondays, with other, extraordinary meetings; the committee of the navy on Wednesdays, and oftener as he that presided might direct; the committee of trade on Thursdays, and oftener; the committee of com-

[66] P. C. R., lx, 12 February 1667-8.
[67] S. P. D., Charles II, ccxxxv, 23 February 1667-8.
[68] *Ibid.*, ccxxxviii, 7 April 1668.
[69] *House of Lords MSS., H. M. C.*, 12th report, appendix, vi. 179.
[70] *H. M. C., Buccleuch MSS, Montagu House*, ii, part i. 60.
[71] C. O. 391, vii, 14 August 1694.
[72] P. C. R., lv, 26 April 1661.
[73] *Ibid.*, lvii, 9 November 1664.
[74] S. P. D., Charles II, cclv, 21 October 1667.

plaints and grievances on Fridays.[75] In 1673 the king in a council of eight at Whitehall ordered the committee of the navy to meet the next morning in the council chamber.[76] No regular days were specified when the standing committees were appointed in 1679. Time of meeting was perhaps arranged by the committees themselves. Some of the meetings at least were ordered by the lord president of the council. In 1680 one who was probably a clerk of the council wrote: "I find that my Ld Presid^{t} hath appointed monday 10. a clock not onely for the Com^{ee} of Tangier to meet, where my attendance would not have been very Necessary, but also for the Clerks of the Councill to bring in what they were last Councill day directed to draw up about the Duke of Monmouth." [77] This may, of course, have been an extraordinary meeting of the Tangier committee.

The writer who advised William about 1695 suggested that the limited standing committee for the plantations—which he proposed—should be ordered to meet two mornings a week on fixed days, and not merely as the lord president of the council might command. A committee for Ireland, he thought, should meet once a fortnight. The commissioners of the admiralty, he said, should be compelled to sit every morning and every afternoon. Absolutely necessary were fixed days for meetings of committees.[78] Some of the committees sat very frequently. In 1689 the committee for Irish affairs met eight times in February—beginning with the middle of that month, eighteen times in March, and fifteen times in April—a little oftener than every two days.[79]

[75] P. C. R., lx, 12 February 1667-8.

[76] State Papers, Foreign, Entry Books, Miscellaneous, clxxvii, 6 April 1673. [77] Entry of a letter of 1680: S. P. D., Entry Books, lxii. 23.

[78] S. P. D., King William's Chest, xiii, 10, 10a.

[79] *House of Lords MSS., H. M. C.*, 12th report, vi. appendix, 179.

Size of committees varied. There were twelve on the committee for Irish affairs appointed in 1660, ten on the committee for foreign plantations, and ten on the committee of the navy appointed the same year. In 1668 the committee of foreign affairs contained nine members, the committee of the admiralty and the navy fifteen—presently increased to nineteen, the committee of trade fifteen—increased to nineteen, the committee of complaints and grievances seventeen. In 1679 the committee of intelligence contained nine members, the committee of Ireland ten, the committee of Tangier thirteen, the committee of trade and plantations twenty-two. The committee for the affairs of Ireland appointed in 1689 contained nine members. The committee for trade and foreign plantations constituted about the same time had twelve. Generally the committee quorum was three or more: "And hereof Three or More of them to be a Quorum", said the regulations of 1668.[80] This was also provided in the rules for standing committees appointed in the privy council of 1679.[81]

At committees, as at meetings of the council, attendance varied greatly. The important and active members came with much regularity. So did others who liked the work or strove for advancement. The diary of the earl of Anglesey shows that he was constantly at meetings of the council and of committees. At a committee for the affairs of Jersey and Guernsey in 1662 three were present.[82] Nine attended a committee of the plantations in 1668.[83] Ten came to a committee of the navy soon after.[84] In 1694 five were present at a committee of Jersey and Guernsey.[85] Seven were at an Irish committee a little

[80] P. C. R., lx, 12 February 1667-8. [81] *Ibid.*, lxviii, 22 April 1679.
[82] *Ibid.*, lvi, 18 June 1662.
[83] S. P. D., Charles II, cclv, 8 January 1667-8.
[84] P. C. R., lx, 23 February 1667-8. [85] *Ibid.*, lxxv, 20 November 1694.

later.[86] In 1718 eight came to a committee for appeals from the plantations—or a committee of the whole council.[87] Shortly afterwards there were three at a committee of Jersey and Guernsey.[88] In 1721 eight members made a committee for appeals from the plantations and for Jersey and Guernsey, and five days later ten members, including five of those at the meeting previous, composed a similar committee of the whole council sitting under slightly different name.[89] In 1727 eight were present at a committee for hearing appeals from the plantations.[90]

As might have been expected, it was often difficult to secure attendance at standing committees. In 1661 at a council of the king and eighteen, "This day his Matie Complaineinge that the Comittee appointed to treat with forreigne Ambassad^{rs} Agents &c seldome meete Did thereupon Comaunde that henceforward his Maties principall Secretaries of State give his Matie Accompt of the names of such of the severall Comittees as shall at any time be absent at the daies and times respectively appointed." [91] In 1675 a matter was referred first to the lord keeper, then to the committee of the council for Irish affairs: "at which neither my L^{o} Keeper L^{o} Treasurer nor either of the Sec^{tys} could attend being comended upon another buissenesse by his Ma^{ty} at the same time".[92]

In 1668 the duke of York, the duke of Albemarle, the earls of Anglesey, Carlisle, and Craven, Prince Rupert, Lord Arlington, Lord Ashley, the vice chamberlain, and Sir William Coventry considered certain water freight rates at a committee of the navy.[93] In 1694 the lord president, the lord privy seal, the duke of Shrewsbury, the

[86] *Ibid.*, lxxvi, 3 December 1694.
[87] *Ibid.*, lxxxvi, 5 March 1717-18.
[88] *Ibid.*, 10 July 1718.
[89] *Ibid.*, lxxxvii, 11, 16 August 1721.
[90] *Ibid.*, xc, 16 December 1727.
[91] *Ibid.*, lv, 15 November 1661.
[92] Bodleian Library, Carte Papers, 243, fo. 190.
[93] P. C. R., lx, 23 February 1667-8.

marquis of Normanby, the earl of Romney, Lord Coningsby, and Sir Henry Goodricke were present at an Irish committee.[94] In 1718 the earl of Radnor, the bishop of London, the vice chamberlain, the master of the rolls, and Mr. Addison—secretary of state—were at a committee of Jersey and Guernsey.[95] In 1721 the lord president, the earl of Sutherland, Viscount Townshend, Lord Carteret, Lord Lechmere, the comptroller, the chancellor of the exchequer, and the master of the rolls made a committee for the plantations. A little later the lord president, the earl of Portmore, and Lord Carteret held a committee of Jersey and Guernsey.[96] In 1723 the lord president, the earl of Westmoreland, the earl of Portmore, and the master of the rolls were another such committee.[97] In 1732 the lord president, the earls of Marchmont and Ilay, Viscount Torrington, the secretary at war, and Horatio Walpole were a committee for plantation affairs.[98]

At standing committees the king was not infrequently present—much more than at temporary committees. Charles II attended the foreign committee many times—as will be shown in another place, and he was often at the committee of intelligence which continued the foreign committee, in 1679. Next year the earl of Anglesey was with the king at a committee of the council, apparently the committee of Tangier.[99] In 1681 one of the secretaries of state wrote to the earl of Middleton acknowledging the receipt of some letters, and asking him to be patient about what he sought "till after the next Committee, where I shall produce them, in Order to learne his Maties pleasure".[100] This, most probably, was the committee of

[94] P. C. R., lxxvi, 3 December 1694. [95] *Ibid.*, lxxxvi, 25 July 1718.
[96] *Ibid.*, lxxxvii, 25 October, 16 November 1721.
[97] *Ibid.*, lxxxviii, 22 February 1722-3.
[98] *Ibid.*, xci, 19 January 1731-2.
[99] Add. MS. 18730, 9 February 1679-80.
[100] S. P. D., Entry Books, lxiv, 10 January 1680-1.

foreign affairs, which was coming to be "the committee". In 1689 William was at a committee for the affairs of Ireland held at Hampton Court.[101] The presence of the sovereign at "the committee", especially in the time of William and the time of Anne, is best studied in connection with the history of the cabinet council.

Committees met often under chairmanship of the lord president, when there was one, and attendance at committees was probably an onerous duty for that official. In 1668, Charles II nominated a particular member to preside over each of the standing committees which he appointed: "For the better Carying on of Business at these severall Committees, his Maty thinkes fitt, and accordingly is pleased to appoint, That each of these Committees be assigned to the particular Care of some one Person, who is Constantly to attend it."[102] At the head of the committee of the navy and military matters was to be the duke of York or the lord general; over the committee of foreign affairs the earl of Arlington—secretary of state; over the committee of state and grievances the lord keeper. In this connection the committee of trade was not mentioned.

Occasionally glimpses may be had of procedure and working at the standing committees. "And so to the Duke's", says Pepys in 1662, "where the Committee for Tangier met: and here we sat down all with him at a table, and had much good discourse about the business, and is to my great content."[103] Three years later he wrote:[104]

> Thence to visit my Lady Sandwich and so to a Tangier Committee, where a great company of the new Commissioners, Lords, that in behalfe of my Lord Bel-

[101] *House of Lords MSS., H. M. C.*, 12th report, appendix, vi. 179.
[102] P. C. R., lx, 12 February 1667-8.
[103] *Diary*, 8 December 1662.
[104] *Ibid.*, 16 January 1664-5.

lasses are very loud and busy and call for Povy's accounts, but it was a most sorrowful thing to see how he answered to questions so little to the purpose, but to his owne wrong. All the while I sensible how I am concerned in my bill of £ 100 and somewhat more . . . My Lord Barkeley was very violent against Povy. But my Lord Ashly, I observe, is a most clear man in matters of accounts, and most ingeniously did discourse and explain all matters. We broke up, leaving the thing to a Committee of which I am one.

In 1668 Charles II, considering the sad condition of Barbados because of a recent fire that had taken place there, "hath . . . appointed a Comittee of Councill to sitt in the Councill Chamber . . . who are to Conferre with such of the Merchants, and Planters, as are now in London . . . in order whereunto some of the planters & cheifely Interested in the said Island, are hereby Ordered and required to give their Attendance, on the said Comittee for Trade, and plantations." [105] In November 1669 it was arranged that the committee for the navy should meet the following morning. The officers and commissioners of the navy were to have notice, so that some of them might be ready if their presence was desired. In 1680 the earl of Sunderland sent to Secretary Jenkins two packets of papers from the lord lieutenant and the council of Ireland, "that they may be read either att the Councill or the Irish Comittee, which you shall thinke best." [106] In 1694, at a meeting of the committee of trade and plantations, the lords of the admiralty were called in.[107]

The business transacted at these various committees was the work generally assigned to them and in addition the handling of whatever was particularly com-

[105] P. C. R., lx, 12 June 1668.
[106] S. P. D., Charles II, cclxvii, 18 November 1669; cccxiv, 28 July 1680.
[107] C. O. 391, vii, 14 August 1694.

mitted to their care. Matters were referred to committees; in the committees they were investigated or considered, and reports thereupon prepared, which were then sent in to the council for consideration or approval or whatever the council deemed well. Some business came immediately to certain committees, and at times committees acted without further reference back to the council. In 1661 eight lords of the council were appointed to "bee a Com^{ttee} to consider of all Affayres concerning Ireland, & of the Dispatches from thence. And to Report the same, with their Opinion, to this Board, where they finde any difficulty; And in Cases of lesser Concernment to give Dispatches without Reportinge".[108]

The work of committees, even more than that of the council, was entirely subject to the king's consent, in so far as the king took the pains to know what the committees were doing. "I thinke", said the earl of Clarendon, about the beginning of the reign of Charles II, speaking at a meeting of the privy council, of the committee for Irish affairs, "when you haue taken your resolucons in the mayne, that Committee will not be able to do much."[109] Yet, large authority was delegated at times to these groups. When in 1661 the king added other members to the Irish committee, he ordered weekly meetings for preparation and dispatch of business relating to Ireland. All such addresses and petitions, except what concerned the Irish bishops, should be approved first by the committee before they were presented to his majesty. No reference should be made nor letter of recommendation be procured in respect of anything concerning Ireland, before the committee knew of it. The principal secretaries and the masters of requests were to bear this in

[108] P. C. R., lv, 3 April 1661.

[109] *Notes Which Passed at Meetings of the Privy Council between Charles II and the Earl of Clarendon, 1660-1667*, etc. (Roxburghe Club, London, 1896), p. 52.

mind.[110] In 1664 the committee of the admiralty and the navy, issuing a protection for a ship, did it directly, without recommendation elsewhere.[111] In 1689 a petition was addressed "To the Right Honble The Lords Committees of his Majesty's Most Honble Privy Council for the Affairs of Ireland."[112] On the other hand, in 1668, the king ordered that the newly constituted committee of trade, calling in the attorney general or the king's advocate, should hear all causes by way of appeal from Jersey and Guernsey. The orders thereupon to be prepared in due form by the clerk of the council, were, before being signed, to be read at the council board for the council's approval: "that so they may Receive the Approbation and Authority of the whole Councill, which before used to Passe distinctly from the Committee only, by a derivative power from the Board."[113]

Many matters were referred from council to committees. In 1666 Charles II in a council of fourteen at Whitehall, ordered that the committee formerly appointed for the affairs of Jamaica should meet and consider bills transmitted thence to be made into laws, then report upon them.[114] Two years later the king in a privy council of twenty-two at Whitehall, having referred to the committee of trade a petition concerning a ship seized by Spanish privateers, and they having reported, he ordered one of the secretaries of state to take up the matter with the Spanish ambassador, and prepare a letter about it to the English ambassador in Spain.[115] In 1689 a privy council at Hampton Court referred to the committee of trade the rules for granting passes.[116] In 1733 George II in council

[110] P. C. R., lv, 26 April 1661.

[111] "Wee . . . Do hereby will and require": S. P. D., Charles II, cv, 29 November 1664.

[112] *House of Lords MSS., H. M. C.*, 12th report, appendix, vi. 161.

[113] P. C. R., lx, 12 February 1667-8.

[114] *Ibid.*, lix, 6 June 1666.

[115] *Ibid.*, lx, 18 March 1667-8.

[116] *Ibid.*, lxxiii, 2 September 1689.

at Hampton Court referred twelve acts passed in Massachusetts to the committee of council for plantation affairs.[117] In 1746 the petition of residents in the Bermudas, praying a grant of lands for the planting of vineyards, was by a privy council of six referred to the lords of the committee of council for plantation affairs.[118]

The committees sometimes referred matters committed to them to other committees or boards. This was particularly true in the eighteenth century in respect of the board of trade, where colonial legislation was concerned. In 1689 the lords of the committee for trade and plantations referred a matter relating to the Royal African Company to the lords commissioners of the treasury.[119] The Massachusetts legislation referred from the council to "the Lords of the Committee of Councill for Plantation Affairs" in 1733, was by them referred to the board of trade a fortnight later.[120] On the other hand, by this time, it was a regular procedure for the council to refer representations from the board of trade to "a Committee".[121]

In 1752 the agent of Massachusetts delivered to the clerk of the council eighteen acts passed by the colonial legislature in the two years preceding. They were brought to George II in council at St. James's. The king ordered them laid before a committee of the council for plantation affairs who were to consider them and report to him at the board.[122] Somewhat later, at a meeting of a committee of eleven, the lords agreed on a recommendation concerning such business:

> In Obedience to several Orders in Council Referring to this Committee Forty Six Acts, passed in the Province of the Massachusett's Bay in the Years 1748—1749—and 1750—The Lords of the Committee have

[117] *Ibid.*, xcii, 2 August 1733.
[118] *Ibid.*, xcix, 12 June 1746.
[119] *Ibid.*, lxxiii, 3 September 1689.
[120] *Ibid.*, xcii, 15 August 1733.
[121] *Ibid.*, xcii.
[122] *Ibid.*, cii, 11 March 1752.

taken the said Acts into their Consideration, and thought proper to transmitt the same to the Lord's Commissioners for Trade and Plantations for their Opinion thereupon, who have reported to this Committee as follows

after which a report upon thirty-three acts, the lords of the committee recommending to the lords justices—who were the principal members of the privy council acting as a regency while the king was in Hanover—just what the lords commissioners of trade and plantations had reported to them. Then, having agreed upon their report to be made, the eleven of the committee—including some of the lords justices—sat as a privy council and acted.

Which said Laws having been under the Consideration of the Lord's Commissioner's for Trade and Plantations and also of a Committee of the Lord's of His Majesty's most Honourable Privy Council, The said Lords of the Committee this day presented the said Laws to their Excellency's at this Board, with their Opinion that the same were proper to be approved

and accordingly they were approved.[123] All of which well illustrates also the structure and working of the committee of the whole privy council.

In the committees were prepared declarations, recommendations, or reports, which were presented to the council, where generally they were approved and action accordingly taken, though sometimes committee reports were amended or rejected altogether. In 1660 the committee for Irish affairs prepared a declaration for settling affairs in Ireland, which was read to the king in council at Whitehall, and having been amended and altered, was ordered engrossed.[124] In 1668 the committee for trade prepared the minute of a report which was read in

[123] P. C. R., ciii, 30 June 1752. [124] *Ibid.*, lv, 26 November 1660.

council and approved the next day.[125] Next year, in a council of the king and twenty-three at Whitehall, the secretary of state reported from the committee of trade and plantations about the Caribbee islands. The king heard what was read and gave order. With respect to a number of things "His Matie will Consider hereof" was the only note which the clerk of the council made in the register.[126] In 1693 a report from the committee of trade and plantations about Barbados was read in the council.[127] In 1718 a committee of appeals from the plantations and for Jersey and Guernsey, consisting of four members of the council, meeting in the council chamber at Whitehall, agreed on a report dismissing an appeal from Barbados and one from Jersey, and appointed a time for hearing a complaint against the governor of New Jersey.[128] A few days later the same committee, meeting in the same place, but attended by three members of the council, prepared a report on a petition against an appeal from Massachusetts Bay, another to dismiss an appeal from Guernsey, and resolved to postpone hearing the complaint against the governor of New Jersey.[129] Some months afterwards a committee of the council for appeals from the plantations, attended by six, and sitting at Whitehall in the council chamber, heard a petition from the Leeward Islands, and having heard the arguing of a cause involving inhabitants of that place postponed it; considered a petition from Rhode Island and issued an order to the court there; issued an order to the board of trade; and dealt with matters concerning Antigua.[130] Two days later the same committee, attended by four members of the council, prepared a report allowing an appeal from Minorca,

[125] S. P. D., Charles II, ccxxxviii, 7 April 1668.
[126] P. C. R., lxi, 12 May 1669.
[127] *Ibid.*, lxxv, 7 December 1693.
[128] *Ibid.*, lxxxvi, 23 July 1718.
[129] *Ibid.*, 8 August 1718.
[130] *Ibid.*, 15 December 1718.

and another report about granting certain lands in Nova Scotia.[131]

The reports of these committees of the whole council were in the later years almost invariably approved by the council, and presentation was little more than a form, since on occasion the committee would turn itself into a council and approve what had just been considered and resolved. Occasionally, however, this did not take place. In 1730, in the minutes of "a Committee of the Lords" a report entered has a marginal memorandum: "This Report was never approved of".[132]

Colonial acts of assembly sent to London were constantly referred from the privy council to "a Committee of the Lords" for review and report.[133] Likewise charters or fundamental laws were examined before being issued. In 1732 a committee of the council for plantation affairs, attended by six members of the council, reported:[134]

> In Obedience to Your Majestys Order in Council of the 12th of August last, referring to this Committee a Report made by Yor Majestys Attorney and Sollicitor General together with a Draught of a Charter prepared by them for Establishing a New Colony in the Province of South Carolina by the Name of Georgia in America—Their Lordships did on the 14th of December and again on this day take the said Draught of a Charter into their Consideration—And having filled up the Severall Blanks left therein and made such alterations as they Judged most proper for answering the ends proposed thereby Do Agree humbly to lay the said Draught before Your Majesty as proper for Yor Royall approbation.

A week later in a council of George II and nine, the report of the committee was approved, and the king ordered

[131] P. C. R., lxxxvi, 17 December 1718.
[132] *Ibid.*, xci, 15 April 1730.
[133] *Ibid.*, xci.
[134] *Ibid.*, xci, 19 January 1731-2.

the duke of Newcastle, secretary of state, to prepare a warrant, for his majesty's signature, to pass the charter under the great seal.[135]

Appeals from the plantations, transmitted to the privy council, were given over to the committee of appeals from the plantations—that is to say, the council acting as a committee. They were afterwards acted upon in the council generally in accordance with the report made by the committee. In 1731 in a council of the king and seventeen at St. James:[136]

> Upon reading at the Board a Report of the Right Honourable the Lords of the Committee of Council for hearing Appeals from the Plantations . . . on the Appeale of De la Motte against Baker from Antigua . . . His Majesty this day took the said Report into His Royall Consideration and was pleased with the Advice of His Privy Councill to approve thereof and accordingly to order that the said Judgment given in the Court of Kings Bench and Common Pleas . . . Be . . . reversed and set aside And that Judgment be given for the Petitioner.

[135] *Ibid.*, 27 January 1731-2.

[136] *Ibid.*, 23 December 1731.

CHAPTER XXVI

ASSOCIATED COUNCILS AND COUNCIL COMMITTEES

AT THE beginning of the seventeenth century not only did the privy council of England advise the sovereign and assist him in carrying out matters of general import, but much of the various kinds of business dealt with by the central government—treasury, admiralty, plantation affairs, with some foreign and much local business—was actually managed in the council. As time went on division of labor and specialization had been attempted in the council by giving certain matters to the preliminary care of committees. With the enlargement of business, however, it was found necessary or convenient to have additional assistance. During the sixteenth century various subordinate, local councils—especially the council of the north and the council of Wales—had been employed to manage the outlying districts, under the privy council—some of them lasting on during earlier Stuart times. During the seventeenth century and after, numerous commissions, sub-committees, associated councils, or boards of commissioners were established to help the council by taking charge of particular business or to act for the general management of some category of affairs under supervision and control of the council.

From specialization of function in respect of business managed at first largely or entirely by the privy council developed afterwards the departments among which modern British administration is divided. These departments did not develop from the committees of the privy council, for the history of these committees—save the one power-

ful standing committee which became the cabinet—was that gradually they disappeared within the council, and that there in course of time the very theory of committee organization came to be opposed to specialization of function, in that each committee was the council itself acting as a committee of the whole council. The commissions and subordinate councils or boards were most of them also transient enough, but it was mostly from the specialization worked out in course of time by some of the principal members of the privy council assisted by subordinates—or even by their own councils or boards of commissioners—that departments developed. The history of this development has yet to be traced through an infinitude of orders, memoranda, and details, but the nature of the problem can be seen in a preliminary manner by consideration of some of the earlier bodies, such as the councils of war of the first part of the seventeenth century, the various commissions of trade, and the board of trade appointed still later.

In 1621, when the son-in-law of James I was in danger of being driven from all his possessions, the king appointed a council of war for the affairs of the Palatinate, consisting of nine members—none of them of the privy council—to consider the means of equipping an expedition, in case the king could send aid.[1] This, says a contemporary, was the first council of war in England.[2] In March 1624, when parliament desired war with Spain, James replied to an address of the commons presented by

[1] S. P. D., James I, cxix, 13 January 1620-1. There is an excellent study of this subject by E. I. Carlyle, "Committees of Council under the Earlier Stuarts", *English Historical Review*, xxi (October 1906), pp. 679-81.

[2] "About the end of this month the Earl of Oxford, the Earl of Essex, and the Lord Chichester, with Sir Horatio Vere, were chosen to be of the King's Council of War; which was the first Council of War in England." *Diary of Walter Yonge, Esq.* (Camden Society, xli), p. 36.

a committee of both houses, that the money granted by the commons must be spent by order of the committee: he said there must be a secret council of war, lest his designs be discovered, and he must control the war operations himself.[3] In April, when there was probability of a conflict, he appointed a council of war, consisting of ten members, of whom five belonged to the privy council. They were to be a council of war for assisting the king's allies, securing Ireland, and putting the navy in readiness.[4] It was intended to be a secret council. Concerning it the foreign representatives in London sent back variant accounts.[5] This council of war was dissolved with the death of James a year later.

Early in the reign of Charles I a third council of war was constituted, consisting of three members of the privy council and others. They were to secure Ireland and put the navy in readiness.[6] During the controversy between Buckingham and parliament in 1625-6, the council of war was involved by Buckingham's testimony, since he said that always in what he had done he had been guided by the privy council or the council of war.[7] In May 1626 a fourth council of war was established consisting of twelve members of the privy council

The lord treasurer
lord admiral
lord chamberlain

[3] S. P. D., James I, clxi, 23 March 1623-4.

[4] *Ibid.*, clxiii, 21 April 1624.

[5] "Si hanno nominati X. Sig^{r} per formare il Cons^{o} di guerra tra questi cinque Sig^{r} son dell' ordinario consigl^{o}, et cinque della professione della Militia." Letter of Alvise Vallaresso, 26 April 1624 (N. S.): Venetian Transcripts, xii. 86. "On a esleu des Conseillers de Guerre dont aucun ne sont du Conseil d'Estat." Letter of Count de Tillières, 3 May 1624 (N. S.): Transcripts from Paris, lviii. 88. The *Calendar of State Papers, Domestic, James I, 1623-1625,* p. 220 notes a print of the members of the council of war in session preserved in the Library of the Society of Antiquaries.

[6] S. P. D., Charles I, i, 14 April 1625.

[7] Carlyle, *English Historical Review,* xxi, 680.

earl of Carlisle
earl of Holland
earl of Totnes — master of the ordnance
Viscount Grandison
Lord Conway
Lord Brooke
Sir Dudley Carleton — vice chamberlain
Secretary Coke
chancellor of the exchequer

and six others, of whom some had been on the preceding council.[8] Early in 1628, at a time when Buckingham was apparently engrossing, under the king, direction of all important affairs, sixteen others were added to this council of war.[9] Others may have been added a little later for another list of that year contains the names of forty commissioners of the council of war.[10] By that time it was as large as the privy council. Indeed, it was so large that in respect of the purpose for which it was designed it was probably cumbersome and futile.

In 1629 twenty-five members were appointed a council of war by letters patent.[11] A year later another council of war consisting of twenty-five members was appointed.[12] Information is fragmentary. At times the council is lost to sight, and it may have ceased to exist.[13] In 1636 one of the correspondents of Nicholas, clerk of the privy council, refers to the council of war or admiralty.[14] In 1637 was appointed a council of war containing twenty-three members, including seventeen members of the council

[8] S. P. D., Charles I, xxviii, May 1626.
[9] *Ibid.*, xciii, 12 February 1627-8.
[10] *Ibid.*, xcviii. 119, assigned to June 1628.
[11] *Ibid.*, xxviii, 24 February 1628-9.
[12] *Ibid.*, 23 February 1629-30.
[13] "This Council cannot be traced later than March 1634, but in 1637 it was revived": Carlyle, *E. H. R.*, xxi. 681.
[14] S. P. D., Charles I, cccxxvii, 24 June 1636.

The lord treasurer
lord great chamberlain
earl marshal
lord chamberlain
earl of Northumberland
earl of Dorset
earl of Holland
earl of Danby
earl of Newport
Viscount Wimbledon
Viscount Wilmot
Viscount Conway
Lord Herbert of Cherbury
Lord Cottington
Sir Henry Vane
Secretary Coke
Secretary Windebank

Among the six others were two naval commanders, the lieutenant of the ordnance, and the lieutenant of the Tower. The commissioners were to consider all matters that had to do with securing the realm, assisting the king's allies, and whatever else related to war.[15]

In 1639 a council of war of twelve members—nine of them of the privy council—was written down with the king's own hand:

The lord treasurer
lord admiral
marquis of Hamilton
lord deputy
treasurer of the household
Secretary Windebank
Lord Conway
Lord Cottington

[15] S. P. D., Charles I, ccclxi, 17 June 1637.

Sir Jacob Astley
Sir John Conyers
Lord Newport
Sir Nicholas Byron

The clerk of the privy council was to attend this council. Any five would be a quorum. This body was virtually a committee of the privy council.[16] Some additions were made soon after. In January 1640 a correspondent wrote:[17]

> All martiall affaires are consulted, and ripened by a Counsell of Warre wch is lately made by Comission to the Earle of Northum: (who is President thereof) the Lo: Treasr, the Lo: Marquis Hamilton, the Earle Marshall, the Lo: Lieutenant Generall of Irel: (for that is my Lo: Deputie's stile now) the Earle of Newport, the Lo: Visc: Conway, the Lo: Cottington, the two Secretaryes, Collonel Goring, Sr William Uvedall, Sr Jacob Asteley, Sr John Conyers, and Sr Nicholas Byron, Theis sitt constantly three Morninges in a weeke, and I assure youn ply theire busines hard.

This corresponds closely, though not exactly, with a list of "Commissioners for the Councell of Warre" given as of 27 January 1639-40 at the beginning of the fifty-first volume of the council register following what appear to be standing committees of the privy council as of October 1639:[18]

The earl of Northumberland — lord general and lord president of the council
lord treasurer
marquis of Hamilton
earl marshal
earl of Newport

[16] *Ibid.*, ccccxxxvi, 30 December 1639.
[17] Robert Read to his cousin, Thomas Windebank, 13 January 1639-40: *ibid.*, ccccxli. 119.
[18] P. C. R., li, fos. 1, 2.

lord lieutenant of Ireland
Lord Conway
Lord Cottington
treasurer of the household
Secretary Windebank

and four others not of the council:

Sir William Uvedall
Sir Jacob Astley
Sir John Conyers
Sir Nicholas Byron

About the same time another list gives all of the above together with Colonel Goring, that is, a council of war containing fifteen.[19]

The various councils of war in existence in the period 1621-40 were bodies collateral to the privy council, not committees of the council, because appointed by special commission from the king and containing among their members some who were not of the privy council. In the latter period, however, when the size of the council of war had been reduced again, it contained mostly members of the privy council, and the last council of war was in effect, but not formally and entirely, a standing committee of the privy council.

Of the method of the councils of war and what they did there remains no little information, in certain volumes of minutes of their meetings among the state papers and in detached minutes scattered at random through these papers.[20] In some of the volumes of the state papers for the earlier years of Charles I there are more references to the council of state than to the privy council.

[19] S. P. D., Charles I, ccccxlv, 14 February 1639-40.

[20] *Ibid.*, i-xxxi; cliii. 18, clxiv. 37. Various minutes of meetings of the council of war taken by Sir Edward Nicholas occur for the later years. For example, *ibid.*, ccccl, 9 April 1640; ccccli, 30 April 1640; ccccliv, 20 May 1640; ccccly, 27 May 1640.

Meetings were held frequently—at times appointed or specially arranged. In 1626 they were being held every two or three days.[21] That year the council of war resolved that a committee consisting of eleven of its members should meet three times a week—Mondays, Wednesdays, and Fridays. Of this committee five to be a quorum. The council itself was to meet three times a week—Tuesdays, Thursdays, and Saturdays.[22] In 1629 meetings were being held less often.[23] In the troublous year 1638 a correspondent reported: "The Counsel of warre sitts dailie at Whitehall."[24] Generally the meetings were at Whitehall, occasionally in other places, as at Greenwich.

Attendance varied as it did at the privy council and at committees of the privy council. In 1626 there was a meeting of ten, including the lord treasurer, the lord admiral, the lord chamberlain, and one of the secretaries of state.[25] A fortnight later a council of sixteen included the lord treasurer, the lord admiral, and the lord chamberlain.[26] In 1629 a council of war attended by fourteen had among others the lord treasurer, the lord president, the lord chamberlain, the earl marshal, the lord steward, and one of the secretaries.[27] A council of five somewhat later was attended by the lord president and Secretary Coke.[28] At another meeting about the same time the lord treasurer, the lord high chamberlain, the earls of Dorset, Danby, and Dorchester, Secretary Coke and the chancellor of the exchequer were those present.[29] At a meeting in 1631 nine attended.[30] In 1638 a meeting of seven was made up

[21] *Ibid.*, xxviii, 18, 20, 25 May, 1, 3, 6, 9, 10, 12 June 1626.
[22] *Ibid.*, 19 June 1626.
[23] *Ibid.*, 23, 26 February, 12 March 1628-9, 26 March, 5, 29 June, 4, 11 December 1629.
[24] Thomas Smith to Sir John Pennington, 6 December 1638: *ibid.*, cccciv. 33.
[25] *Ibid.*, xxviii, 18 May 1626.
[26] *Ibid.*, 10 June 1626.
[27] *Ibid.*, 23 February 1628-9.
[28] *Ibid.*, 5 June 1629.
[29] *Ibid.*, cxlvi, 2 July 1629.
[30] *Ibid.*, cxciii, 9 June 1631.

of the lord treasurer, the earl of Newport, Viscount Wimbledon, the comptroller, Secretary Windebank, the lieutenant of the Tower, and the lieutenant of the ordnance.[31] In 1640 the lord treasurer, the marquis of Hamilton, the lord high admiral, the earl of Newport, Lord Conway, the lord deputy, the treasurer of the household, and Secretary Windebank made a council of eight.[32] Sometimes the king was present.[33] All in all these gatherings would scarcely be distinguishable from meetings of committees of the privy council except that some members present might not be privy councillors. Actually, however, the business seems to have been done mostly by certain leading members of the privy council: the lord treasurer and the lord chamberlain were often present, and frequently other important ones of that body. A meeting of the council of war in 1640 might easily have passed for one of that great committee of the privy council—the foreign or the Scottish committee—which was then engrossing the conduct of all important affairs.

At the council of war business seems to have been transacted much as in the privy council. Minutes taken were embodied roughly in a continuous record.[34] The council was attended by a clerk extraordinary of the privy council.[35] Matters were, perhaps, conducted with about as much secrecy as characterized the activities of the privy council. In 1638, one speaking of the council of war said: "things are carried wth such extreame priuacy that I can tell yo^{u} nothing about that busines more then I told you last", and except for one item he could recount nothing.[36]

[31] S. P. D., Charles I, xxviii, 10 March 1637-8.

[32] *Ibid.*, ccccxli, 2 January 1639-40.

[33] *Ibid.*, ccccxlii. 143: 24 March 1639-40, 30 March 1640.

[34] Minutes of meetings of the council of war 18 May 1626 to 10 March 1637-8 are in *ibid.*, xxviii.

[35] *Ibid.*, xxviii, 27 March 1632.

[36] Thomas Smith to Sir John Pennington, 6 December 1638: *ibid.*, cccciv. 33.

The work done at the council of war had mostly to do with army, fleet, ordnance, and equipment, but various other matters had attention. In 1624 the council of war informed the privy council that the governor of Guernsey had asked for an addition to the garrison of the castle; it recommended that at least fifty more men be granted; if the privy council approved, the council of war would give its warrant for the charges.[37] At meetings in the spring of 1626 the council considered questions relating to the fleet, to military matters, to preparations by Spain to invade the king's dominions, and a new commission for a council of war.[38] In 1628 it prepared an estimate of the cost of setting out one hundred ships.[39] In 1632 a council ordered that the protest of a certain one about retrenchment of the garrison in Pendennis Castle should be considered when a fuller council was assembled.[40] At a meeting in 1638 were considered questions relating to arms, ordnance, and stores.[41] In 1638, 1639, and 1640 there are numerous decisions and orders of the council of war. On one occasion it gave an order to the officers of the ordnance about supplying munitions.[42] On another it considered the equipping of brigades with pioneers and supplying spare horses.[43] In 1642 it gave an order about paying troops at Berwick.[44] Numerous petitions were addressed to the council and considered there. In 1629 a petition was referred to it by the king.[45]

From time to time the council of war, like the privy council, appointed committees for consideration and preliminary dispatch of business. In 1629 a committee of five

[37] S. P. D., James I, xliii, 7 July 1624.
[38] S. P. D., Charles I, xxviii, May, June 1626.
[39] *Ibid.*, xcviii, 26 March 1628.
[40] *Ibid.*, ccxviii, 11 June 1632.
[41] *Ibid.*, xxviii, 10 March 1637-8.
[42] *Ibid.*, ccccxvii, 2 April 1639.
[43] *Ibid.*, ccccxliv, 6 February 1639-40.
[44] *Ibid.*, ccccIxxxviii, 20 January 1641-2.
[45] *Ibid.*, cxxxvi, 19 February 1628-9.

met at Whitehall.[46] There was a committee of five in 1631, and shortly after one of three.[47] In 1632 a council of war attended by seven ordered that a committee should deal with a matter concerning the king's property and the governor's property in Jersey and in Guernsey.[48]

Connection between council of war and privy council was often close. Not only was much of the work of the council of war done by members who were principal members of the privy council, but sometimes apparently direction was given to enter the orders of the council of war in the register of the privy council.[49]

During the seventeenth century trade and plantations, and things that had to do with increase of commerce, stock of raw materials, and profit from trading were dealt with by the privy council assisted at different times by various subordinate or associated bodies. In the time of Elizabeth and in the earlier part of the reign of James I the privy council dealt with these affairs as it did with all other matters in which the central government of England had concern. Increase in volume and complexity of this business led to the establishment of various commissions or councils outside of the privy council, to reference of business relating to trade or plantations to committees within the council, and finally, about the end of the century, to the establishment of the well-known board of trade and plantations—another subordinate council associated with the privy council.[50]

[46] S. P. D., Charles I, xxviii, 12 March 1628-9.

[47] *Ibid.*, clxxxv, 26 February 1630-1; clxxxvi, 7 March 1630-1.

[48] *Ibid.*, ccxviii, 11 June 1632.

[49] *Ibid.*, ccccxli, 2 January 1639-40.

[50] For the earlier period C. M. Andrews, *British Committees, Commissions and Councils of Trade and Plantations, 1622-1675* (*Johns Hopkins University Studies in Historical and Political Science*, xxvi. 1-151) is excellent. Professor Andrews has long been the leader in investigation of the structure and working of the British government in its relations to British colonial possessions in America. The author, in common with all other students of this subject, is under large obligations to him.

A special commission to inquire into the decay of the clothing trade was created by James I in 1622. Its members were not members of the privy council. That same year another commission, consisting of members of the council and others, was established to study manufactures. In 1623 and 1624 commissioners for Virginia were appointed. In 1625 or about the beginning of the following year a commission of trade was established, none of its members being of the privy council.[51] It was to be a "sub-committee" or subordinate council with respect to the privy council.[52]

Some years later, consideration of matters relating to trade and to plantations was given to committees of the privy council. In 1629 there was a "Comittee for Trade", consisting of thirteen members, including some of the most active and important of the council.[53] The term for which this committee was appointed and whether its period was limited cannot be known, since the only statement concerning it in the privy council record is the list of its members prefixed to one of the register volumes. For 1630 or 1631 another list, similarly prefixed to a volume of the register, shows a "Comittee for Trade", containing eleven or twelve members.[54] In the next volume, in a list of "Orders for Dayes of Comittees" there is no mention, among the standing committees, of a committee of trade, but whether the committee had lapsed or not cannot be certainly known, for one never is sure that the records are complete at this time.[55] In 1634, among a list of standing committees of the council at the beginning of the register volume, a "Comittee for

[51] Andrews, pp. 11, 12, 14.

[52] "It is not thought fitt, that there should bee anie of his Maties priuie Councell in this Comission, but that theis Comissioners should bee as a Sub-Comittee under the graund Councell." S. P. D., Charles I, xliv. 19, undated.

[53] P. C. R., xxxix, 10.

[54] *Ibid.*, xl. 7.

[55] *Ibid.*, xli. 3.

Trade" again appears, containing ten members.[56] Two years later a "Comittee for Trade" similarly listed, had ten members also.[57] In 1638 the "Comittee for Trade" contained the same ten members: the archbishop of Canterbury, the lord keeper, the lord treasurer, the lord privy seal, the earl marshal, the earl of Dorset, Lord Cottington, the comptroller, and the two secretaries of state.[58] Another list in 1639 gives an identical list for the "Comittee For Trade", except that the treasurer of the household appears in place of the comptroller.[59]

There are various notices of the work of the committee of the council for trade. At a meeting in February 1635 the king ordered that some questions relating to the book of rates and to suggested new impositions should be considered at future meetings.[60] Shortly after at another meeting at which the king was present, the committee considered a proposal about an imposition upon salt.[61] In April Charles in the committee for trade considered various matters relating to taxation and to shipping.[62] A few days after the king in another committee for trade considered propositions for supplying gunpowder.[63] In November a committee of the king and seven decided that commissions should be given to certain justices of the peace to certify what number of maltsters might be licensed in each county. A petition was considered and the secretaries of state were ordered to investigate the matter.[64] In 1637 a committee of trade, with the king present, dealt among other things with the question of brewers using coal near the king's residence; it raised certain rates; and Charles ordered that the price of gunpowder should be increased.[65] Somewhat later the com-

[56] P. C. R., xliv. 1.
[57] *Ibid.*, xlvii. 1.
[58] *Ibid.*, xlix. 1.
[59] *Ibid.*, li, fo. 1.
[60] S. P. D., Charles I, cclxxxiii, 5 February 1634-5.
[61] *Ibid.*, cclxxxiii, 14 February 1634-5.
[62] *Ibid.*, cclxxxvi, 6 April 1635.
[63] *Ibid.*, 16 April 1635.
[64] *Ibid.*, cccii, 24 November 1635.
[65] *Ibid.*, cccxlv, 30 January 1636-7.

mittee was considering a proposal that all innkeepers should be licensed to brew the beer and the ale which they sold in their own houses.[66] In 1640 clothiers in a petition which they presented to the privy council mentioned directions given by the committee.[67]

Meanwhile there had been several commissions and various temporary committees of the privy council for plantation matters. In 1623 and 1624 commissioners had been named to deal with matters respecting Virginia and the Somers Islands. In 1631 a commission of twenty-three—some of them members of the privy council—had been appointed to consult upon Virginia affairs. In 1632 was appointed a committee of the council, consisting of twelve members, to deal with New England affairs, and this committee was appointed again the next year.[68]

In 1634 the list of standing committees of the privy council at the beginning of the register volume includes "The Comittee for foreigne Plantations", containing thirteen members, of whom one had been afterwards added.[69] This is apparently the first standing committee of the council appointed to deal with plantation matters in general. Perhaps it was the New England committee of the council continued with broadened scope and under broader name. In 1636 the list of committees prefixed contains "The Committee for fforeigne Plantations", of which the membership was thirteen.[70] In 1638 "The Comitte for fforreigne Plantacons" contained the same thirteen members: the archbishop of Canterbury, the lord keeper, the archbishop of York, the lord treasurer, the lord privy seal, the earl marshal, the earls of Dorset and Sterling, Lord Cottington, the treasurer and the comptroller of the household, and the two secretaries of state.[71]

[66] *Ibid.*, ccclxxxix, 5 May 1638.
[67] *Ibid.*, cccclviii. 50.
[68] Andrews, pp. 14, 15.
[69] P. C. R., xliv. 1.
[70] *Ibid.*, xlvii. 1.
[71] *Ibid.*, xlix. 1.

In 1639 the "Comittee For Forraine Plantacons" was made up of the same thirteen important members of the privy council.[72]

During this period also the privy council made use of various "sub-committees" or temporary bodies of commissioners or persons to whom it referred matters for information and report. Thus, business was referred from the council to the clerk of the council and others, to the chancellor of London, to groups of merchants, or to others expert and well-informed.[73] Generally, however, after 1630 important affairs connected with trade and plantations were dealt with by the council itself or by the standing committees of the council for trade and for foreign plantations. The quorums were four or five. The committees were ordered to have regular meetings once a week. After 1639 the register contains no further lists of standing committees. Whether they lapsed or fell into disuse in the confusion that arose then, whether trade and plantation business, and also other affairs, were dealt with by the council rather than by committees at this time, cannot be known.

The Long Parliament assembled 3 November 1640. Three days later a committee of the whole house of commons for trade was appointed to meet every Tuesday afternoon.[74] Two years later the committee of trade was revived.[75]

In 1643 parliament, in the midst of the civil war, assumed to itself the functions that ordinarily had been possessed by the king and his council. In order to carry on this executive and administrative work various executive committees of parliament were established, of which presently the most important was the com-

[72] P. C. R., li. fo. 1.
[73] Andrews, pp. 17, 18.
[74] *Commons' Journals*, ii. 21.
[75] *Ibid.*, ii. 898.

mittee of both kingdoms—later the committee of both houses, which in some degree represented part of what the king and his privy council had formerly been. Along with this principal executive committee, however, were other groups of parliament members to execute functions formerly had—under the king—by the privy council, by committees of the council, or by important officials. In November parliament appointed a committee of itself, consisting of eighteen members, to control plantation affairs.[76] The committee was to exercise extensive powers. Actually, for the most part it did little enough. It contained some of the important leaders and officials on the parliamentary side, and some of its members were afterwards on the council of state which the commonwealth appointed. Probably the rush of circumstances in England during these years prevented any sustained interest in outlying dominions. In October 1648 parliament appointed a committee to investigate the decay of English trade.[77]

During the earlier years of the commonwealth the council of state acted as had the privy council half a century earlier: it attempted the management of affairs largely itself, rather than through committees. This was especially true of business of plantations and trade. One of the instructions to the first council of state in February 1649 concerned trade: "You . . . are to use all good Ways and Means, for the Securing, Advancement, and Encouragement of the Trade of *England* and *Ireland*, and the Dominions to them belonging; and to promote the Good of all Foreign Plantations and Factories belonging to this Commonwealth, or any of the Nations thereof." [78] 1 August 1650 parliament appointed a commission or council of trade with extensive powers.[79]

[76] *Lords' Journals*, vi. 291.
[77] *C. J.*, vi. 45.
[78] *Ibid.*, p. 139.
[79] *Ibid.*, p. 450.

For the most part, however, the council of state was itself acting as a council or board of trade and plantations. The first council of state did, indeed, appoint standing committees of itself for the admiralty and the navy, and for Irish affairs, and the second council of state appointed several standing committees: admiralty, law, information and examinations, Ireland, ordnance, officers of the army. Such committees were continued by the third council of state—the Irish committee having, since the conquest of Scotland, become the committee for Irish and Scots affairs. In March 1650 the second council of state appointed a committee of the whole council for trade and plantations.[80]

It was not until the winter of 1651 that a limited standing committee for plantation affairs was formed. Immediately after the fourth council of state had been constituted, it appointed several important standing committees, along with which was the "Committee to consider of the businesse of Plantations", a committee of the whole council consisting of any five or more of the council.[81] A little later that month, however, was established the "Committee for businesse of Trade and forreigne affaires", containing sixteen members, to whom ten others were afterwards added.[82] This committee sat in the Horse Chamber at Whitehall. Under the council of state it took an active and important part in matters concerned with trade and plantations. The important standing committees were at once constituted again by the fifth council of state, one of them being for trade and for plantations and foreign affairs. It contained twenty-one members.[83]

During the remaining time of the commonwealth these committees disappear. It may be that the records are

[80] S. P. D., Interregnum, I 64, 2 March 1649-50.

[81] *Ibid.*, I 66, 2 December 1651.

[82] *Ibid.*, I 66, 17, 30 December 1651, 2, 8, 13 January 1651-2, 8 July, 17 August, 30 October 1652.

[83] *Ibid.*, I 68, 2 December 1652.

wanting. It may be that trade and plantation matters were managed by the sixth, seventh, and eighth councils of state, assisted by temporary committees. It may be that in the confusion of this period when the Rump was expelled, when the future form of government was being disputed, and when the nominated parliament had uneasy tenure, those in power had small leisure for trade and plantation business. 20 July 1653 the nominated parliament appointed a parliamentary committee of trade and corporations and for receiving propositions to the advantage of the commonwealth; on the following Monday it was to meet at Whitehall in the place where the council for trade had been used to sit.[84] A month later this committee suggested that an act be passed establishing a committee or council of trade. A quorum of five was proposed somewhat later, and still later on a bill was read, but the end of this parliament soon came to pass.[85]

In December 1653 began the government of the protectorate under Cromwell. He was assisted by the protector's council which substantially revived the privy council of monarchy preceding. Cromwell's council proclaimed that it would protect and encourage trade and navigation. It began by attempting to manage much council business itself rather than through standing committees. There were many temporary committees, but great standing committees—for the admiralty, for trade, for Ireland and Scotland—do not seem to have been appointed for a while. None the less there are references to the work of such bodies, and the investigator here is doubtful in deciding whether the records give an incomplete story or whether some of the standing committees of the preceding period may not have continued to function as associated boards or commissions. In October 1654

[84] *C. J.*, vii. 287.

[85] *Ibid.*, pp. 308, 319, 341.

the protectorate parliament resolved that there should be a grand committee of the whole house for trade.[86]

In March 1655 seven members of the protector's council were appointed "a Comittee for fforreigne plantations", and somewhat later two others were added. The quorum was to be three or more.[87] In July a "Com^tee for Trade", or a commission, consisting of three members of the protector's council and seventeen others was named. It included among those who were not of the council, the four commissioners of the treasury and one of the lord chief justices.[88] In November Richard Cromwell, the two lords commissioners of the great seal, and twenty-two others—including merchants, gentlemen, and officials—were added. This board of forty-five members was to be a council or committee for trade and navigation. Furthermore, "any of the Members of the Councell who shall come to this Com^tee of Trade shall haue voices."[89] They were to sit in the Painted Chamber at Westminster. In July 1656 ten merchants and military men, not members of the council, were appointed to manage the affairs of Jamaica and other interests of the protector in the West Indies. Later on, this committee or board was probably called the committee for the affairs of America.[90]

The king's privy council was re-established in England as soon as the king returned. Almost at once several important standing committees were established. In July 1660 was appointed a "Committee of Plantations", consisting of ten members:

The lord chamberlain
earl of Southampton — lord treasurer
earl of Leicester

[86] C. J., vii. 375.
[87] S. P. D., Interregnum, I 122, 2 March 1654-5, 26 March 1655.
[88] *Ibid.*, I 76, 12 July 1655. [89] *Ibid.*, 1 November 1655.
[90] *Ibid.*, I 77, 15 July, 25 September 1656; I 78, 21 July 1657.

Lord Roberts
Viscount Say and Seale
Mr. Denzill Holles
Mr. Arthur Annesley
Sir Anthony Ashley Cooper
Secretary Nicholas
Secretary Morice

They were to receive, hear, examine, and deliberate upon petitions, propositions, and memorials concerning the plantations either on the continent or in the islands of America, and from time to time report to the board.[91] In December 1666 a committee of the council for foreign plantations, consisting of ten members, was named—or perhaps revived with some changes—for its membership was partly that of the plantations committee appointed in 1660:[92]

The lord chancellor
lord treasurer
lord privy seal
lord chamberlain
earl of Anglesey
Lord Holles
Lord Ashley
Lord Arlington
vice chamberlain
Secretary Morice

When the standing committees of the privy council were reorganized and regulated in 1668 a "Committee for the Business of Trade" was one of them, and under its consideration was to come "whatsoever Concernes his Ma^{ts} Forraine Plantacons" as well as other matters. It consisted of fifteen members, to whom four more were pres-

[91] P. C. R., liv, 4 July 1660: S. P. D., Charles II, viii, July 1660.
[92] P. C. R., lix, 12 December 1666.

ently added.[93] This body was soon referred to as "the Comittee for Trade & Plantations &c" or the "Com^te^ of Trade".[94]

The quorum of the committee appointed in 1660 was three, as was that of the committee of 1668. The place of meeting was regularly the council chamber at Whitehall. The regular time was once a week on Thursday. After a while meetings appear to have been held at considerable intervals and irregularly. In 1667 at a sitting it was "Proposed that his Ma^ty^ be moued to appoint the Committee for Plantations to meete some certaine dayes in the weeke."[95] Attendance varied. Four were present at a meeting in 1660.[96] In 1667 there were meetings of four and six; in the year following, meetings of three, four, five, six, seven, nine; in 1669 meetings of two, three, four, five, six, seven, eight, nine, twelve.[97] Minutes of many of the meetings were taken and preserved.

The business dealt with concerned many things. Matters were referred to the committee from the council, and, after investigation, examination and consideration, report was rendered to the council. In July 1660 the king and sixteen met in privy council at Whitehall. Eight of

[93] P. C. R., lx, 12 February 1667-8, 10 June 1668, 13 January 1668-9. Though this committee contained nineteen members and the earlier one ten, and though Holles, Ashley Cooper and Secretary Morice were the only members remaining from the committee of 1660, Andrews says of this earlier committee: "Though an occasional change was made in its membership and some reorganization was effected in 1668, the Lords of Trade of July 4, 1660, commissioned with plenary powers by patent under the great seal, became the Lords of Trade of February 9, 1675." *British Committees*, etc., p. 63.

[94] S. P. D., Charles II, cclv, 29 October, 15 December 1668.

[95] *Ibid.*, cclv, 7 April 1667. [96] *Ibid.*, x, 2 August 1660.

[97] *Ibid.*, cclv, 7 April, 16 September, 21 October 1667, 8, 10 January 1667-8, 14, 26 May, 16 June, 7, 9, 23, 28 July, 6, 8, August, 26, 29 October, 10, 17, 19 November, 15 December 1668, 15 January 1668-9, 27 March, 16 April, 5, 7, 10 May, 4, 8, 14, 21, 25, 30 June, 5, 23 July, 26 August, 8, 30 October 1669.

the members present were of the committee of plantations. When the council had sent out a letter, considered a petition, and given an order, "Severall of the Lords then sitting as a Comittee, touching the Plantacons of the Islands & Continent of America" considered the petition of Lord Willoughby concerning his claim to the government of Barbados. Further on the record says: "It was Ordered by his Matie (afterwards coming & sitting in Councill,)" that Lord Willoughby and certain planters with their counsel should attend the committee, after which the committee would report to the king.[98] In August a committee of four ordered that all patents concerning grants of land in America should be delivered to the attorney general.[99]

In 1668 in a council of the king and twenty-two a petition from iron workers, detailing the difficulties that beset manufacture in England because of the large importation of foreign iron, and asking that a duty be imposed or some other relief be afforded, was referred to the committee of trade.[100] Later that year a list of "Businesses Referred to the Comittee for Trade & Plantations &c." included a memorial from the French ambassador about losses of the French West India Company, a petition from two Walloon bakers, another from two Eastland merchants, a memorial from the Swedish resident, a list of ships trading from his majesty's plantations to Tangier, papers from the Spanish ambassador, and another petition.[101]

A committee of trade, attended by three, in December 1668, considered a complaint against certain Danes said to have injured Englishmen in Ireland—the lords resolved to report on the matter to the king in council, the parties

[98] P. C. R., liv, 16 July 1660.
[99] S. P. D., Charles II, x, 2 August 1660.
[100] P. C. R., lx, 21 February 1667-8.
[101] S. P. D., Charles II, cclv, 29 October 1668.

to make affidavits, about the facts alleged, in the meantime; they considered the claims of the French West India Company for satisfaction in respect of several ships—the whole business to be considered a week later, when it was asked that Lord Ashley, Lord Arlington, and Secretary Trevor be present, and the lords were to consider what demands the English had to make from the French for satisfaction.[102] In 1669 a committee of trade, continuing the work of previous meetings, read and considered, article by article, a treaty with France.[103]

It was not only through committees of his privy council that Charles II had such work done. Shortly after the restoration he had been influenced to follow the procedure of the protectorate and of earlier times and create a council of trade and a council for plantations—bodies separate from the privy council. 7 November 1660, a commission for improving trade was appointed under the great seal. This council of trade contained sixty-two members, of whom some were members of the privy council and also of the council committee for foreign plantations, but most of whom were merchants, mariners, and planters—not of the privy council. 1 December was issued a commission to a council for foreign plantations. It consisted of forty-eight members and its composition was similar to that of the council of trade. Twenty-eight members were common to the two bodies.[104]

The council for plantations held most of its meetings in the Inner Court of Wards; the council for trade in various places. The meetings were attended chiefly by the members who were not members of the privy council, the latter being supposed to be present only when particular business required their presence.[105] The records of the council for plantations extend no farther than 1664;

[102] S. P. D., Charles II, cclv, 15 December 1668.
[103] *Ibid.*, 14 June 1669.
[104] Andrews, pp. 64-68.
[105] *Ibid.*, pp. 74, 75.

those of the council of trade end about the same time. Whether the confusion of the time of war, plague, and the great fire ended their activities, or whether they worked on after their remaining records cease, cannot be certainly known. They continued at least in nominal existence during 1667, however, for in September of that year the privy council ordered the committee for trade and foreign plantations to consider the advisability of revoking their commissions. Perhaps after the reorganization of the committees of the privy council in 1668 matters relating to trade and plantations were at first supposed to be managed entirely by the standing committee of the council for trade and foreign plantations.

20 October 1668 a new commission was issued for a council of trade. 13 April of the year following a second commission was issued to the same persons to be a council of trade. Including four members who were presently added it contained forty-six persons, about half of them members of the privy council. This board continued to deal with matters respecting commerce and the plantations until 1672.[106]

30 July 1670, largely owing to the influence of Lord Ashley, long a member of the privy council, conversant with matters of trade and colonies since the time of the protectorate, and now greatly interested in Carolina and the Bahamas, a commission was issued to ten persons—none of them except the president, who was the earl of Sandwich, of the privy council—to be a council for foreign plantations. These members were to receive salaries. In the next year another such regular member was named, and, in addition, seven members of the privy council were included to give weight and dignity to the board but to serve without pay. Five members, including the president of the council, or one of the members who was an

[106] *Ibid.*, pp. 76-95.

officer of state, constituted a quorum. The regular place of meeting was in the office of Lord Arlington, secretary of state, at Whitehall. The sessions of the council were secret like those of the privy council, and members were sworn with an oath not unlike that of a privy councillor.

According to the instructions given to the council for foreign plantations the members were to study the plantations and investigate the powers of the governors and the instructions given to them and see how the instructions had been carried out. Any miscarriages were to be reported to the king. The board might send for copies of commissions and instructions issued to the governors, consider them, and accordingly give directions. They were to ascertain what number of parishes, planters, servants, and slaves there were in the several plantations. If any plantations appeared thinly peopled, the board must consider how to supply them from other plantations or from the British Isles. The commissioners were to charge the several governors not to give just provocation to their neighbors, the Indians, or to others, but preserve amity with them. The commissioners must command all governors to receive the Indians under their protection and not allow them to be injured in their persons or possessions.

For improvement of plantation trade the commissioners were to give out rules and directions as they thought best, that all commodities thence derived might be manufactured or made as salable as could be. They were to enquire whether other commodities than those produced in the plantations—such as cotton, ginger, cocoa—might not be planted and made to thrive. Let them ascertain what islands were fittest and best situated for breeding of cattle. Whatever they could do to bring about these things they must do. Find out whether masts and naval stores might not be procured in the plantations. In New

England encourage production of hemp, flax, pitch, and tar, and the setting up of saw-mills. Consider how to supply the plantations with servants and slaves. Investigate the differences between the Guinea Company and the plantations, and endeavor to effect accommodation. See to it that none of his majesty's subjects were forced or enticed away from his kingdoms to the plantations, but consider to what extent vagrants and criminals might be taken there.

The commissioners were to correspond with the several governors to understand better their government and complaints arising, as well as the plantations, trade, shipping, and increase or decrease thereof. They must require exact accounts of plantation commerce and of all ships engaged therein. Regulate the trade of the plantations, that they might be serviceable each to the others, and also to his majesty's kingdoms. See to due enforcement of the acts for encouragement of navigation and shipping.

Copies of all charters and grants concerning any foreign plantations should be sent for: the commissioners to examine how they had been followed or neglected. In case of conflict between charters let them try to make amicable settlement; otherwise report to the king. The board was to send for copies of the laws in force in the plantations, and if, on examination, any were found contrary to the honor, justice, or laws of England, they must be annulled. The board should procure maps and charts of the several colonies, register, and keep them. Let care be taken for effectual propagation of the gospel in the plantations, and for maintaining a pious and learned ministry there; reform the debaucheries of planters and servants; attract Indians and slaves to the Christian religion and instruct them in it.

The board was to write letters to the several plantation governors, about his majesty's great care of the plan-

tations in erecting such a council in addition to his general council of trade, and require from the governors an account of present conditions and what they thought needed. The members were to observe such other instructions as might be sent them under the king's sign manual, and if further powers were found necessary the council was to address his majesty therefor.[107]

In August certain additional instructions were issued: the commissioners were to enquire about the strength and fortifications of the colonies, and military discipline there, stores of ammunition, and getting and keeping such stores. Let them urge the governors to produce saltpeter. Recommend the planting of the commodities of most benefit to the plantations. Consider how spices, gums, drugs, dye-stuffs might best be obtained from the East Indies and other places for production in the plantations, and what rewards should be given to those who would risk trying to produce them. Ascertain what councils were established in other countries for the government and improvement of their respective plantations, what powers and instructions were given to such councils for improving trade and plantations, and consider the advantages and disadvantages thereof.[108]

This council of plantations proceeded to deal with business not taken over by the committee of the privy council for plantations. It dealt with numerous petitions, memorials, and representations. It dispatched to colonial officials long lists of questions. It undertook preliminary drafting of all commissions and instructions for governors, to be sent to the secretary of state, who would present them to the privy council, from which they might further be referred to the attorney general or to the council committee. The council also had referred to it from

[107] Andrews, pp. 96-101, 117-24, using the Shaftesbury Papers (Public Record Office), x.

[108] Andrews, pp. 124-6.

the privy council colonial laws, and it recommended to the council or to the secretary of state persons fit for colonial appointment.[109]

During this period the council of trade was comparatively inactive and ineffective, while the council for foreign plantations did more and more. Accordingly, a new commission for consolidating the work of the two councils was drafted by Shaftesbury and Locke. 27 September 1672 the commission was given by a writ of privy seal. The membership was that of the preceding council for foreign plantations, except that the earl of Shaftesbury was made president in place of the earl of Sandwich, recently killed in battle with the Dutch. For this " Standing Councill for Trade & Plantations " there would be a vice-president as well as a president.[110] To the regular members, who as before were paid, were again added the chief officers of state and members of the privy council, who might attend and vote. The council of trade now came to an end.[111]

The instructions issued to the new council of trade and foreign plantations were like those given to the preceding council for foreign plantations, except that they were more comprehensive. The members of the council were to take thought how to improve the commodities of his majesty's kingdoms. They were to consider the setting up of manufactures; improvement of fisheries at home and abroad; opening of rivers, ports, and harbors; distributing trade and manufactures. They were to investigate burdens upon trade and abuses in trade and manufactures; consider how more native commodities might be sold, and how foreign commodities might be purchased at cheaper prices; care for the building of ships for transporting bulky freights; arrange that correspondence and

[109] *Ibid.*, pp. 102-5.
[110] S. P. D., Charles II, cccxv, 27 September 1672.
[111] Andrews, pp. 106, 107.

information be obtained from commercial centers abroad; and consider how free ports might be established for landing and storing foreign goods destined to be transported again. They were to receive generally propositions about trade and navigation.

The members of the council were to enquire into the state of his majesty's foreign plantations. Let them ascertain what councils, assemblies, and courts of judicature were in them; what courts of admiralty; what were their legislative and executive powers; what statutes and laws they had; what number of military forces, horse and foot; what castles and forts and how provided; what strength their neighbors possessed; what correspondency they had with their neighbors; what arms and ammunition had been sent to them; what money had been paid to them for arms and fortifications, and how such money had been expended; what boundaries, what mines, what commodities, what manufactures they had; whether spices, drugs, and gums, if planted, would thrive in them; what rivers and harbors they had; what banks or shoals for fishing; what number of planters and parishes; what number of Englishmen, Scots, or Irish came to them yearly, and how many negroes were brought; what portion of the population, whites and blacks, died each year; what number of ships traded with the colonies yearly; the obstructions to trade, and how colonial trade and navigation might be improved; what rates and duties were charged upon colonial trade; what were the colonial revenues to the crown, by whom collected, how accounted; how their people were instructed in religion, and how they paid their ministers. The commissioners were to consider which of the colonies were not fully planted or inhabited, and how they might best be supplied from other colonies overstored with people; how the several colonies might best

serve each other for mutual support and defence and be useful to his majesty's kingdoms.

The members of the council were to correspond frequently with the several governors of the plantations, charging them to keep the peace with their neighbors and protect the Indians. They were to procure copies of all letters patent, charters, or grants concerning the colonies, and obtain exact maps. They were to consider the improvement of trade and commerce. They were to see whether the articles of peace and commerce with foreign princes had been performed. They were to ascertain what councils or courts of judicature were established in foreign states for the government of their trade and navigation and for improvement of their plantations, and what commissions, instructions, and allowances they had. They were to observe such other instructions as might be given them under his majesty's sign manual, and ask the king for further powers and instructions if there were need.[112]

The council of trade and foreign plantations was to assemble twice a week. It held its meetings near Whitehall, and acted with the procedure and forms of a smaller privy council. It concerned itself with many matters that had to do with domestic, foreign, and colonial trade. With respect to the plantations it recommended the appointment of governors and other officials, passed upon colonial laws, corresponded with the governors, organized an effective system of supervision over trade and commerce, and reported to the king in council.[113]

21 December 1674 the commission of this council was revoked, and management of plantation affairs given again altogether to a committee of the privy council for trade and foreign plantations. In August of the next year the governor of Virginia was informed that the king had

[112] Andrews, pp. 107-9, 127-32.
[113] *Ibid.*, pp. 110, 111.

superseded the commission of trade and plantations and restored all that business to its accustomed channel, a committee of the privy council.[114] Shortly before this a certain one had written to Secretary Williamson proposing that another commission of trade should be constituted, consisting of thirty-one merchants of London and no lords.[115] The dissolution followed the fall of Shaftesbury from office and favor, but decision therefor may have resulted from cost of maintaining the council—some £ 8,000 a year—at a time when the royal revenue was not sufficient and finances were in confusion. It has been conjectured also that it was caused by dissatisfaction, which was well expressed by the London merchant and official, Thomas Povey, who declared that councils of plantations, not authorized to execute as well as to advise, must give small result.[116]

Control of trade and colonial matters now reverted entirely to the privy council and its standing committee. In March 1675, in a council attended by seven at Whitehall, the lord keeper gave to the board account of the changes that the king had decided to make, and explained that in future commerce and outlying possessions would be under the care of the committee of the council for trade and foreign plantations. The committee for this purpose constituted in 1668 had never been abolished, but it was reconstituted now with some changes and some additions. Altogether it contained twenty-one members:

The lord treasurer
lord privy seal
duke of Lauderdale
duke of Ormonde
marquis of Worcester
earl of Ossory

[114] Colonial Entry Book: C. O. 324, iv, 11 August 1675.
[115] S. P. D., Charles II, ccclxxi, 14 June 1675.
[116] Andrews, pp. 111, 112.

lord chamberlain
earl of Bridgewater
earl of Essex
earl of Carlisle
earl of Craven
Viscount Fauconberg
Viscount Halifax
Lord Berkeley
Lord Holles
vice chamberlain
Secretary Coventry
Secretary Williamson
chancellor of the exchequer
chancellor of the duchy
speaker

Of them nine—the lord privy seal, the earls of Bridgewater, Carlisle, Craven, Viscounts Fauconberg and Halifax, Lord Berkeley, the vice chamberlain, and the chancellor of the exchequer—were to have immediate care and intendancy since formerly they had been conversant with the work. Any five of these nine might be a quorum. The committee would meet at least once a week. It might send for all books, papers, and other documents relating to the plantations. One of the clerks of the council must constantly attend the lords of the committee. From time to time it was to report to the king in council.[117]

[117] P. C. R., lxiv, 12 March 1674-5. R. P. Bieber, *The Lords of Trade and Plantations, 1675-1696* (Allentown, Pennsylvania, 1919), affords a very good study of the organization and procedure and of some of the work of this committee. It is based principally upon the transcript of the journals of the lords of trade in the Historical Society of Pennsylvania, and fails to put the subject exactly into its proper setting as part of the development of the privy council and its committee system. Indeed, the title, though based upon phraseology used by the members of the board itself, may in respect of emphasis be misleading, since it does not itself clearly bring out the fact that these lords of trade were always a committee of the privy council, and that the members of any

In 1679 the council was reformed, and again the standing committees were arranged. Among them was the committee for " Trade & forreigne Plantations ". It consisted of twenty-two members, of whom twelve had been on the committee preceding, to whom were added some of the important functionaries and some of the former opponents of the king whom he now brought into his council. The various standing committees of Charles II were continued shortly after the accession of James II. With the Revolution of 1688 these standing committees of the privy council came to an end; and, indeed, the practice of appointing such committees was yielding to use of the committee of the whole council; but shortly after his accession William constituted certain new ones. In February 1689 a committee of the council for trade and foreign plantations, consisting of twelve members, was appointed. The quorum was to be three.[118]

The membership of the committee of trade and plantations and the exact number of those appointed to it at any particular time had become less important since all through this period it was tending to become a committee at which might be present any of the members of the privy council. This process in connection with the committee of trade and plantations was, indeed, one aspect of the development of the committee of the whole council, presently to be set forth. In 1668, when the membership of the four standing committees had been specified, note was made in the register in respect of the committee of trade and the committee of grievances, " his Ma^ts^ further meaneing is, That to these Two last Committees any of the Councill may have liberty to come and Vote." [119] In

committee of the council then were wont to call themselves the lords of the committee in question, in as much as they were lords of the privy council. Also W. T. Root, " The Lords of Trade and Plantations, 1675-1696," *American Historical Review,* xxiii (October 1917), pp. 20-41.

[118] P. C. R., lxxiii, 16 February 1688-9.

[119] *Ibid.,* lx, 12 February 1667-8.

1675 a limited standing committee for trade and plantations was named, but in 1688 James II appointed all the lords of the privy council to be a standing committee for trade and foreign plantations.[120] Even since 1679 such procedure had been in use. In the period 1679-85 fifty-one different privy councillors had attended sessions of the committee of trade. In the years 1689-96, when eighteen were appointed on the committee—the original number having been twelve, as many as fifty-nine different members of the council—which then numbered from 36 in 1689 to 48 in 1697—came to the meetings.[121] During 1694 thirty-one members of the privy council attended various meetings of the committee of trade and plantations.[122] Evidently, the committee had become in effect a committee of the whole council.

About 1695 an adviser urged William to order a limited number of the privy council to be a standing committee for the plantations.[123] But not long after this a commission was issued to a subordinate council, the board of trade. The standing committee of the privy council for trade and plantations then disappeared. There continued to be numerous allusions to the committee of the council for hearing appeals from the plantations and to the committee of the council for plantation affairs, but those designations were no more than particular names given to the committee of the whole privy council.

The standing committees of the privy council constituted to deal with trade and plantations in the period 1675-89 worked much as did the other standing committees of that time. The committee of 1675 was to meet once a week.[124] No regular day was appointed for the committee

[120] C. O. 391, vi, 27 January 1687-8.

[121] Bieber, *The Lords of Trade and Plantations*, p. 47.

[122] Journal of the Committee of Trade and Foreign Plantations: C. O. 391, vii.

[123] S. P. D., King William's Chest, xiii. 10.

[124] P. C. R., lxiv, 12 March 1674-5.

constituted four years later. Meetings were held about once a week or less. In 1675 there were forty-five; in 1676, eighty-nine; in 1680, forty-five; in 1688, fourteen; in 1694, fifty-five. It has been estimated that altogether in the period 1675-96 there were eight hundred and fifty-seven meetings of this committee.[125] By 1695, apparently, the meetings were no longer regular.

In 1668 the committee of trade and foreign plantations had been ordered to assemble in the council chamber at Whitehall. Afterwards the place of meeting was not specified, but the council chamber seems to have been used as a rule. In 1677 a paper is headed: "At the Committee of Trade and Plantations, in the Council Chamber at Whitehall."[126] In 1691 there was a committee of six in the chamber.[127] During that and the next three years meetings of this committee were always held there.[128] At a later time, also, the council chamber was the place where the committee of the whole council generally assembled, whether it was dealing with plantation matters or with other business of the council. In 1723 a committee of the council for hearing appeals from the plantations met in the council chamber.[129] So did "a Committee of the Lords of the Privy Councill for Plantation Affairs" a little later that year.[130] There was a meeting of "the Lords of the Committee of Councill for Plantation Affairs" in the council chamber in 1734.[131] In 1676 the privy council had determined that in the future allowances should be paid to the underkeeper of records, the chamber keepers, and a messenger of the council, for service rendered to the committee of trade.[132] Though the meeting place was in the council chamber, the office of the committee was

[125] Bieber, p. 89.
[126] S. P. D., Charles II, cccxcvii, 13 November 1677.
[127] C. O. 391, vii, 23 February 1690-1.
[128] *Ibid., passim.*
[129] P. C. R., lxxxviii, 1 February 1722-3.
[130] *Ibid.*, 27 August 1723.
[131] *Ibid.*, xcii, 8 January 1733-4.
[132] *Ibid.*, lxv, 21 July 1676.

a group of rooms in Scotland Yard, where the board had a library consisting of narratives of the discovery and settlement of various places abroad—Ogilby, Hakluyt, Purchas, Captain John Smith, and collections of laws and treaties. In course of time also many maps and charts were assembled in the same place.[133]

The quorum of the committee of 1675 was five of a certain nine.[134] Shortly after the committee informed the king that necessity of having so many present somewhat impeded business. Charles then reduced the quorum to three.[135] For the committee of 1689 any three of the twelve would be a quorum.[136]

Attendance varied considerably, as at all committees, and as it did at meetings of the privy council. In 1691 at various times there were committees of four, five, six, nine, ten.[137] On another occasion there was a meeting composed of the lord president, the lord privy seal, the earls of Bedford, Bath, Macclesfield, Montagu, Secretary Trenchard, the chancellor of the exchequer, the lieutenant general of the ordnance, and Mr. Boscawen.[138] Sometimes the meetings were attended by the most important members of the privy council, so that a meeting of the committee of trade and foreign plantations might well have been taken by an observer for a meeting of "the committee" or the cabinet council without the king. In 1694 a committee of trade was attended by the lord keeper, the lord president, the lord privy seal, the marquis of Normanby, the lord chamberlain, the earls of Ranelagh and Romney, Secretary Trenchard, and Sir Henry Goodricke.[139] At another meeting a little later were the lord keeper, the lord president, the lord privy seal, the duke

[133] Bieber, pp. 40, 41.
[134] P. C. R., lxiv, 12 March 1674-5.
[135] *Ibid.*, 5 May 1675.
[136] *Ibid.*, lxxiii, 16 February 1688-9.
[137] C. O., 391, vii, 11 March 1690-1, 21, 27 April, 4, 12, 22 May, 25 June, 24 August 1691.
[138] *Ibid.*, 5 April 1693.
[139] *Ibid.*, 27 July 1694.

of Shrewsbury, the marquis of Normanby, the earl of Romney, and Sir Henry Goodricke.[140] Generally the committee at this time was composed of a nucleus of powerful leaders and principal councillors with a few others who were specially interested, like Sir Henry Goodricke. The king never was present. To some extent committees for plantation affairs were so composed later on. In 1727 a meeting of sixteen, that dealt with matters relating to Jersey, New York, and New Jersey, consisted of the lord president, the lord privy seal, the dukes of Bolton, Montrose, Newcastle, Chandos, the earls of Westmoreland, Loudon, Findlater, Marchmont, Ilay, Viscount Cobham, Lord Carteret, Lord Chief Justices Raymond and Eyre, and William Pulteney.[141]

Of the business done at this committee, as at others, minutes were taken: whether regularly or not is uncertain, though probably they were. For part of the time they are to be encountered at random among the state papers.[142] Included in the records of the board of trade are series of minutes of the meetings of the committees of trade and plantations held from 1675 to the establishment of the board in 1696;[143] and after that time, along with minutes of the meetings of the board, are minutes of the committees of the privy council in connection with which the board did its work.

The business dealt with by the committee of trade and plantations was extensive and varied. During some periods much was done; at other times little. Generally, the work of the committee consisted in consideration of what had been referred to it from the council, investigation, and making report or recommendation to the council thereon. As the committee for the plantations merged

[140] C. O. 391, vii, 1 August 1694. [141] P. C. R., xc, 12 October 1727.
[142] For example, S. P. D., Charles II, ccclxxxii, 23 June 1676.
[143] C. O. 391, i-viii.

into the committee of the whole privy council, all this became more of a formality than anything else. Sometimes a council referred business to the committee, whereupon the same members sat as a committee to consider the business. Sometimes a committee having agreed on what should be done in respect of some matter that had been referred, the same members sat as a council and sanctioned what was decided. Sometimes petitions were addressed to the committee directly, as in 1676 by certain London merchants.[144] In the course of its work the committee was in correspondence with numerous officials or commissioners—of the treasury, the admiralty, the customs, commissioners for exchange of prisoners, commissioners for transportation—summoning some of them before it or referring to them various matters.

In 1676 the earl of Danby, lord treasurer, noted "The 3 points to bee considered by the Comittee of trade euery Thursday", concerning a commercial treaty with France.[145] Next year the committee examined the project of a treaty of commerce with Portugal.[146] In 1694 a committee of trade and plantations attended by four considered various pieces of business relating to Barbados, Maryland, Bermuda, and Jamaica.[147] At a meeting of nine later that year "The Com^{rs} of the Customes attending are call'd in & the Peti$\bar{c}$on of Severall Merchants Trading to Virginia Referr'd to the Committee by Order in Councill this day read."[148] A little later: "The Draught of a Report upon the whole Matter of Mr Pen's Right to the Province of Pensilvania and the Country of New Castle upon Delaware River & Delaware Bay read and approved by the Committee to be laid before Her

[144] S. P. D., Charles II, ccclxxxiv, 24 August 1676.
[145] Add. MS. 28042, fo. 53.
[146] S. P. D., Charles II, cccxc, 16, 18 January 1676-7.
[147] C. O. 391, vii, 5 March 1693-4.
[148] *Ibid.*, 26 July 1694.

Ma^ty in Councill." [149] In 1723 a committee for hearing appeals from the plantations attended by three, agreed upon a report about Jamaica, gave an order to the board of trade, agreed on a report about Antigua, and resolved that certain acts from Barbados should remain under the committee's consideration.[150] Somewhat later a committee for plantation affairs recommended that an act passed in Barbados should be confirmed.[151] In 1727 the king in council ordered that a matter relating to Jamaica be referred to " the Lords of the Committee for the Affairs of the Plantations." [152] In 1732 eight acts from Massachusetts were presented to Queen Caroline in a council of ten at Kensington. " Her majesty was thereupon pleased with the Advice of His Majestys Privy Council to Order that the same Be . . . Referred to the Right Honourable the Lords of the Committee of Council for Plantation Affairs", to consider and report to the queen at the board. Four days later a committee of eight of the council meeting at Whitehall considered these acts, and referred them to the lords commissioners of trade and plantations to examine and report to the committee.[153] In 1734 " the Lords of the Committee of Councill for Plantation Affairs " dealt with matters concerning Massachusetts, St. Christopher, Antigua, and New York.[154]

What the committee of the council for trade and plantations or the later committee of the council recommended to the privy council was almost invariably approved as received. In 1675 Charles II in a council of seventeen at Whitehall listened to the reading of a report from the committee for foreign plantations about regulating the Newfoundland fishery. The king approved the report and ordered it put into effect.[155] Next year the com-

[149] C. O. 391, vii, 3 August 1694.
[150] P. C. R., lxxxviii, 1 February 1722-3.
[151] *Ibid.*, 27 August 1723.
[152] *Ibid.*, xc, 20 September 1727.
[153] *Ibid.*, xcii, 21, 25 July 1732.
[154] *Ibid.*, 8 January 1733-4.
[155] *Ibid.*, lxiv, 5 May 1675.

mittee for foreign plantations having heard certain evidence made a report to the king in council.[156] In 1678 the king in a council of nineteen at Whitehall received a report from the committee of trade and plantations about certain matters concerning Virginia. He approved the report, and several Virginia acts were ordered to be repealed.[157] About the same time, in a council of twenty in presence of the king at Whitehall, "Whereas the Right Honourable the Lords Committees of this Board for Trade and Plantacons did this day represent to his Matie in Councell Severall Lawes for his Maties Island of Jamaica the Tittles whereof are as followeth"—thirty-six acts were enumerated, "His Matie was graciously pleased to approve of the sd Laws, & to Order . . . That the sd Laws be transmitted unto the Rt Honble Mr Secry Coventry who is to prepare a Warrt for his Mats Royall Signature for the imediate passing of the sd Laws under the Great Seale of England."[158] Here, as in various other places, the record does not show to whom the acts were first presented.

[156] S. P. D., Charles II, ccclxxxii, 11 May 1676.
[157] P. C. R., lxvi, 23 January 1677-8.
[158] *Ibid.*, 15 February 1677-8.

CHAPTER XXVII

THE BOARD OF TRADE

In course of time administration of trade and plantation affairs seemed as badly done by the committee of the privy council for trade and foreign plantations as once men had believed it to be done by commissions or associated councils. Those subordinate councils, it was thought, had failed through lack of authority to carry out what they recommended. It had been supposed that the privy council having this power would effect what its members recommended in committee and reported to the council. For some time after 1676 there appears to have been much improvement, but presently there was again a decline. This was evident in the committee's lesser activity and in the smaller number of its sessions. In the time of Charles II the committee had held about fifty meetings each year. Under James II the number was about twenty. Just before the Revolution of 1688, in the great confusion and uncertainty of the time, the committee almost ceased to function.

When James had lost the crown and new sovereigns had been put upon the throne, the government was confronted with numerous perplexing problems, and with many new tasks and burdens. Under William the committee of trade and plantations held forty sessions a year. This committee was now in reality the committee of the whole privy council. The council, working much as a committee of itself, was busied with numerous large tasks, to all of which it could not give sufficient attention. General reorganization was needed at a time when England was involved in a great European war. The experienced

and industrious members of the committee in former years who had made possible effective work—Anglesey, Bridgewater, Carteret, Downing, Francis North, Radnor, Prince Rupert, Clarendon, Halifax, Rochester—were gone. During the period 1689-96 the marquis of Caermarthen, the third earl of Bridgewater, Sir Henry Goodricke—lieutenant general of the ordnance, and Boscawen—one of the commissioners of the admiralty, regularly attended the meetings, but they could not fill the place of the great and active members who had once made the work of the committee so effective.

The important work of government in all branches had now come into the hands of the principal committee of the privy council—what had been the foreign committee and was now known as "the committee", working under or along with the king, and composed of the principal officials, who were members of the privy council. It was impossible for them to deal also with the vaster mass of all kinds of business that came before the privy council or the committee of the whole council, of which one of the aspects now was the committee of trade and plantations. Furthermore, what Charles II had tried for a moment in 1679 was failing now again under William. The new government had sought to establish itself upon the support of advocates in both of the parties. For a moment political opponents worked together to ensure success to the revolution they had made, but soon they fell into rivalry and discord, reducing still further the efficiency of transactions in council and committee. Accordingly, the work of dealing with trade and plantations was done less regularly and less well at the very time when the excitement of revolutionary changes made men expect more and insist upon more, and when war brought larger loss and discontent to the merchants.[1]

[1] W. T. Root, *American Historical Review*, xxxiii. 36-39.

There was much falling off of trade with great losses. In 1695 various merchants sent petitions to parliament hoping for relief.[2] They desired a council of trade, a board of experts, established again, outside the privy council. Parliament willingly took up the matter, since its general plan for abridging the authority of the crown contemplated establishing a council of trade appointed and controlled by itself. Almost at the beginning of the session, in November 1695, a grand committee of the commons on trade was appointed to sit every Saturday afternoon. Somewhat later, after conferences held with the lords, the committee's opinion was "That a Council of Trade be established, by Act of Parliament, with Powers for the more effectual Preservation of the Trade of this Kingdom": the members to be nominated by parliament, but not to be of the house of commons; the council to have large powers. A bill to this effect was ordered prepared, and soon reached its second reading.[3]

Meanwhile William had been advised to establish another standing limited committee of the privy council for plantations. Instead he successfully resisted the attempt of parliament to establish a council of trade, but established one himself. 15 May 1696, by writ of privy seal, he appointed fifteen commissioners to be a board of trade and plantations: his majesty's special commissioners for promoting the trade of the kingdom and for inspecting and improving his plantations in America and elsewhere.[4] They were

[2] *Lords' Journals,* xv. 606, 608, 609, 611.

[3] *Commons' Journals,* xi. 335, 423, 424, 440, 454, 488.

[4] Journal of the Commissioners for Trade and Plantations (Board of Trade): C. O. 391, ix, 15 May 1696. The commission is reprinted in E. B. O'Callaghan (editor), *Documents Relative to the Colonial History of the State of New York* (Albany 1854), iv. 145-8. From time to time for some years the commissioners were referred to as the "Councill of Trade": P. C. R., lxxviii, 3 April 1701, lxxix, 9 July 1702; lxxxii, 29 January 1709-10; S. P. D., Entry Books, cxxi, 26 February 1720-1.

The lord chancellor
lord president
first commissioner of the treasury
first commissioner of the admiralty
two principal secretaries of state
chancellor of the exchequer
earl of Bridgewater
earl of Tankerville
Sir Philip Meadows
William Blathwayt
John Pollexfen
John Locke
Abraham Hill
John Methuen

The first nine were members of the privy council. Of them the first seven were not required to attend regularly, but were to come only as often as their presence was necessary and their public service required them. Of the others Blathwayt had been secretary of the preceding committee of trade and plantations.[5]

The commission declared that the king greatly desired promotion of the trade of England. Nothing would contribute to this more than the appointment of fit and knowing persons to inspect and inquire. The commissioners appointed were to gather in some place in Whitehall Palace or elsewhere as designated. Any three would be enough to begin business. Any five or more of them might make written reports or recommendations to the king or the privy council, such representations to be signed by five of them or more.

The commissioners were to enquire into the general state of the trade of England in all foreign parts, how it had

[5] In 1676, when he was assistant to the clerks of the privy council, in business of trade and plantations, he had been named to attend the committee of trade and plantations: C. O. 391, i, 18 May 1676.

advanced, how decayed, what had been the causes thereof; what trades were beneficial, which ones harmful, how the advantageous might be encouraged, the others discouraged; how commerce might be protected. They were to investigate means of improving manufactures, how new and profitable manufactures might be introduced; how the poor of the kingdom might be set to work and employed. They were to inform themselves of all things relating to trade and promoting and encouraging of trade. They were to consider also how fisheries might be regained, encouraged, established.

They were to take into their care all records, grants, and papers, remaining in the plantation office or belonging thereto. They were to inform themselves about the condition of each of the plantations; of the administration of the government and of justice; of the commerce, the soil, the products of the plantations; how the plantations might be improved, how secured, how rendered most useful and beneficial to England; what naval stores might be furnished from them, and how much, that if possible the kingdom might so be supplied. They were to consider how to settle and improve in the plantations such other staples and manufactures as England had to buy abroad; what staples and what manufactures might best be encouraged in the plantations; what trades had been taken up and exercised there which were or might be prejudicial to England, through furnishing to them or to other plantations things usually supplied from England; and the proper means of diverting them from such trades.

The commissioners were to examine the usual instructions given to the king's governors, and see whether anything might be added, omitted or changed therein to advantage; they were to take yearly account of the governors' administration; they were to consider of proper persons to be governors and colonial officials, and suggest

them to the king in council. They were to examine the acts of plantation assemblies: consider what matters to recommend as fit to be passed there in assembly; hear complaints of oppression or maladministration; represent what they thought best to be done; and require account of the expenditure of public moneys in the various plantations.

Any three of the commissioners might send for persons or papers; they might examine witnesses under oath administered by themselves. From time to time they must send in reports, signed by five of their number, of all their own doings to the king or the privy council. They were authorized to execute and perform all other things necessary for proper fulfilment of the intentions of the king. Any three of them might call in the attorney general or the solicitor general to give them advice.[6]

In August it was declared in privy council that the work of the committee of trade and plantations would be taken over by the council or board of trade.[7] 6 July 1697, the commission of the board was revoked and another issued like the preceding except that the lord privy seal was added to the board and George Stepney was named instead of John Methuen.[8]

The organization and the working of the lords commissioners of trade and plantations have been often described.[9] The board consisted of eight who were the real members, each one of whom was paid an annual salary of £ 1000. The officials of the privy council who were members of the board were not required to attend regu-

[6] C. O. 391, ix, 15 May 1696.

[7] P. C. R., lxxvi, 7 August 1696.

[8] C. O. 391, x, 6 July 1697.

[9] O. M. Dickerson, *American Colonial Government, 1696-1765: a Study of the British Board of Trade in Its Relation to the American Colonies, Political, Industrial, Administrative* (Cleveland 1912), gives the best treatment of the history of the board of trade. Also Mary P. Clarke, "The Board of Trade at Work", *A. H. R.*, xvii. 17-43 (October 1911).

larly, and they did not. None the less, their membership and their attendance when that was necessary or desirable, or when they wished to come, together with two members of the council being regular members of the board, had the effect of making the board of trade to a considerable extent a committee of the privy council. In 1702 the commissioners wrote to secretary Hedges reminding him that as principal secretary of state he was one of the board, and declaring that they would be glad to have his assistance there when his other affairs would allow it.[10] The earl of Bridgewater was made president of the board.[11] Almost at once a secretary was appointed.[12] Later on other assistants were added. In 1708 there were a secretary—with salary of five hundred pounds, eight clerks—paid at from forty to one hundred pounds, which was the stipend of the chief clerk, a door keeper, messengers and a woman servant.[13] The place of meeting was Whitehall. It was at first agreed that the board should assemble every Monday afternoon at four o'clock and every Wednesday and every Friday at ten o'clock in the morning; later Wednesday and Friday mornings were appointed.[14] In 1707 Tuesdays and Thursdays were set aside for meetings with merchants trading to America. In 1717 five meetings were appointed weekly: Mondays for letters, memorials, and petitions; Tuesdays and Wednesdays for plantation business; Thursdays for trade; Fridays for consideration of laws passed in the plantations.[15]

The work and the operation of the board of trade are, perhaps, best understood in connection with the vicissi-

[10] S. P. D., Anne, i, 4 May 1702.

[11] Dickerson, p. 28.

[12] C. O., 391, ix, 25 June 1696.

[13] *Ibid.*, xx, 22 January 1707-8.

[14] *Ibid.*, ix, 25 June, 21 October 1696.

[15] *Ibid.*, xix, 2 May 1707; xxvi, 20 November 1717: see Dickerson, pp. 31, 62.

tudes of its history, the character of its personnel, the political history of the commissioners, the ambitions, the success, the failures of its various leaders. For some time after it was established it was active, effective, and important; this despite its lack of independent power and its being limited largely to making reports and recommendations to the privy council. Such success resulted from the capacity and diligence of its members. Later on quality of personnel declined, and the board came to be manned largely by inconspicuous office holders or placemen. What position it still had was largely taken from it by one of the secretaries of state, who often ignored it—especially during the long period (1724-48) when the duke of Newcastle was secretary for the southern department. Later still its importance was revived for a while under the ambitious earl of Halifax. After various vicissitudes, in 1766 important colonial communications were ordered to be made to the king through a secretary of state, as had formerly been the custom. From 1768 the board of trade co-existed with a third secretary of state—for the colonies, who was president of it. The power and reputation of the commissioners continued to sink, however, until finally the board was ridiculed and held in contempt. It was abolished in 1782.

The board of trade was comparatively efficient and important until the end of the reign of Anne. In political complexion at first it was Whig. During the last years of Anne it became Tory with the rest of the government. With the accession of George I Whigs were again put in complete possession of the board. Previously able and prominent men had labored on the commission. After 1714 there was increasing preponderance of needy hangers on, supporters of ministers, inconspicuous holders of jobs. Some of the members had no intention of having seats at the boards except as sinecures. The journal of

the board of trade, at first voluminous and full, shrank thinner and smaller, and at last remained scanty and bare. Under the presidency of Sir John Monson, 1737-48, the board became inept and inactive, and at last all important colonial business was done through the secretary of state for the southern department.

In 1748 the able and vigorous earl of Halifax became president, the principal ministers believing the colonial situation to require such an official at the head of the board. It was now a custom well understood by the commissioners that all questions of importance must be referred to the secretary of state and that reports and representations by the board should be made only in respect of matters definitely committed to it by the secretary or the privy council. Halifax insisted that the president of the board of trade should be made a secretary of state. In 1751 the powers of a secretary were given to him, and he succeeded in obtaining an agreement that the patronage and correspondence of the colonies should be vested wholly in his office. In 1757, after further insistence, he was admitted to the cabinet—as president of the board of trade and plantations. As a result of his activity and because of his able leadership the board of trade had become active and important again, and had at its head one who was virtually a secretary of state.[16]

Halifax retired in 1761. Various alterations followed. In the same year Lord Sandys became president of the board of trade, and the arrangement existing previous to 1751 was restored. In 1763 his successor, Charles Townshend, obtained the powers that Halifax had had. In 1766 the king in council ordered that in all cases where

[16] P. C. R., cii, 11 March 1752; Lord Fitzmaurice, *Life of William, Earl of Shelburne* (London, 1875-6), i, 240, 241; Dickerson, pp. 31-54. For this later period especially A. H. Basye, *The Lords Commissioners of Trade and Plantations . . . 1748-1782* (New Haven, 1925).

colonial governors were required to transmit any particular or general accounts of their proceedings or of matters concerning their governments they should in the future send them to the king through one of his principal secretaries of state, sending duplicates to the lords commissioners of trade and plantations for their information, except in cases of a secret nature. Earlier contrary regulations were revoked. Two years later, however, the president of the board of trade was made a secretary of state for the colonies, so that the board became in effect independent of the secretary of state for the southern department, under whose authority it had previously been.[17] But the president as secretary of state rather than the board profited by this, and the difficulties and disasters of the period that followed took such reputation as the board still retained.

Horace Walpole writing afterwards about events of 1765, declared that the board of trade had sunk into a perfect sinecure for members of parliament, insomuch that when Martin Bladen, one of the commissioners, applied himself to the duties of his office, it was said with humor that Bladen was trade and the other commissioners the board.[18] In 1780 Edmund Burke, when presenting his plan for economical reform, heaped denunciation upon it: "I speak, Sir, of the *board of trade and plantations*. This board is a sort of temperate bed of influence; a sort of gently ripening hothouse, where eight members of parliament receive salaries of a thousand a year, for a certain given time, in order to mature at a proper season, a claim to two thousand, granted for doing less, and on the credit of having toiled so long in that inferiour laborious department. I have known that board,

[17] P. C. R., cxii, 8 August 1766; Dickerson, pp. 114, 115.

[18] *Memoirs of the Reign of King George the Third* (Philadelphia, 1845), i. 279.

off and on, for a great number of years . . . it is a board which, if not mischievous, is of no use at all." Some weeks later, during the debates on one of Burke's proposals, Thomas Pownall asserted that the board had done nothing with respect to managing trade; the great merit, indeed, of the commissioners had been not interfering with trade. Most of their duties were attended to by the secretary of state; others by reference to the law officers of the crown. What the board did by reference from the privy council might be done by one council clerk. The only kind of business that seemed to remain was the hearing of complaints from the colonies against officers of the crown, but here also the board was being superseded by the privy council.[19] Edward Gibbon was appointed a commissioner in July 1779 and held his place until the board was disestablished in 1782. During that time he continued to write and publish his *Decline and Fall of the Roman Empire*. Afterwards he declared that by becoming a commissioner his private income had been enlarged by more than £ 700 a year. " But it must be allowed that our duty was not intolerably severe, and that I enjoyed many days and weeks of repose, without being called away from the library to the office." The denunciations of Burke, he thought, were deserved.[20] After the abolition of the board its business was given once more to a committee of the privy council, as had been the case when an earlier council of trade and plantations was abolished in 1674.[21]

The work of the commissioners had to do with trade in general and especially with the plantations and all

[19] *Mr. Burke's Speech, on Presenting to the House of Commons, (on the 11th February, 1780) a Plan for the Better Security of the Independence of Parliament, and the Œconomical Reformation of the Civil and Other Establishments, Works* (London, 1815), iii. 322, 323; *Parliamentary History*, xxi. 250.

[20] *The Autobiography of Edward Gibbon*, chapter xxi.

[21] Lord Sydney to the duke of Rutland, 9 March 1784: *Rutland MSS., H. M. C.*, 14th report, appendix, i. 79.

things that related to colonial trade and commerce. In the course of this they received great numbers of petitions, memorials, representations, and reports; they had from the council a great variety of matters referred for consideration, investigation, and report; they summoned outsiders for information, collected information, and dealt with various other officials and departments. Always in form they were subordinate to the king and his privy council, and in effect they were increasingly under the committee of the whole council or the secretary of state, who was of that committee.

Many matters were referred to the board of trade from the privy council, and reports made thereon. In 1696, after reference by the lords justices in council, the commissioners gave to the regency their opinion that the erection of admiralty courts in the colonies would conduce to due execution of the penal laws for the good of the plantation trade.[22] A little after, the lords justices having heard petitioners upon the evil condition of the lutestring trade and their plan for its improvement, they were directed to lay their suggestions before the lords justices, to be referred to the privy council or the commissioners for trade. The memorial was referred to the board of trade a week later.[23] In 1699, following a representation from the board of trade, the privy council gave an order about irregularities in Rhode Island, requiring from the board the drafts of a commission of enquiry as the board had proposed.[24] That same year the lords justices in council bade the board dispatch a circular letter for putting the acts of trade and navigation into strict execution.[25]

[22] Board of Trade, Plantations General: C. O. 324, vi, 13 August 1696

[23] S. P. D., Entry Books, cclxxiv, 4, 11 September 1696.

[24] C. O. 391, xi, 16 January 1698-9.

[25] Board of Trade, Plantations General: C. O. 323, iii, 13 July 1699.

In 1731 the petition of certain merchants of London for a grant of land to settle in New York was referred by the king in council to the committee of the council. The committee considered the affair, then referred it to the lords commissioners of trade and plantations. The board heard the petitioners, and afterwards reported to the committee of council. The committee considered the report, then itself reported to the king in council, sanctioning what the board of trade had recommended. That year the king referred to the committee of the whole council the petition of merchants trading to Jamaica who complained of the duty put upon negroes imported. The committee after considering the petition referred it to the board of trade to hear the petitioners and report to the committee what was proper to be done. At the same time, the king having referred to the committee the address of the Massachusetts house of representatives complaining of instructions given to the governor and asking that they be altered, the committee considered it and referred it to the commissioners for trade and plantations.[26] In 1740 the lords of the committee of council referred to the board of trade the petition of merchants trading to New England about fortifying Canso.[27] About the same time was read at the board "an Order of the Lords of the Committee of Council dated May 6th 1740, to the Lords Commissioners for Trade & Plantations to lay before the Committee Heads & Clauses for a Commission for settling the Boundaries between Rhode Island and the Massachusetts Bay." [28]

A vast number of communications came from the colonies to the board: its commission authorizing it to require them. In 1696 the commissioners bade the proprietors of the Bahamas supply a copy of their charter.[29] In 1697

[26] P. C. R., xci, 30 March, 7 July 1731.
[27] *Ibid.*, xcvi, 6 May 1740; C. O. 391, xlviii, 15 May 1740.
[28] C. O. 391, xlviii, 16 May 1740.
[29] *Ibid.*, ix, 19 October 1696.

an order went out for copies of some of William Penn's papers.[30] The same day four letters from the governor of New York was received and read.[31] A few days after, laws of Maryland were considered.[32] On another occasion the commissioners of transportation were told to be present when the business concerned transporting fifty women convicts. Answers in respect of this were read from the agents of the various colonies; all refused to receive the women except the Leeward Islands; recommended that the women be sent there.[33] In 1699 it was ordered at the board that heads of a complaint against the government of Pennsylvania be drawn up to be sent to Penn for his answer.[34] In 1713 a memorial was received suggesting that an appointment be made to fill a councillorship in Jamaica, practically vacant because of the incumbent's long absence without leave. The commissioners recommended such new appointment to the queen.[35] Next year three Virginians attending the board presented a letter from the lieutenant governor of Virginia proposing that a certain one be appointed to a vacancy in the council of the colony. The commissioners promised to consider this as soon as they could.[36]

As time went on an increasing number of these communications reached the board through the secretary of state who afterwards transmitted the board's recommendations. In 1720 Secretary Craggs receiving an account of the present state of the island of Providence and another of the great discontent in South Carolina, sent information about these matters to the lords commissioners of trade, desiring their opinions to lay before the king for his commands.[37] In 1721 the commissioners considered a petition

[30] *Ibid.*, x, 5 April 1697.
[31] *Ibid.*
[32] *Ibid.*, 26 April 1697.
[33] *Ibid.*, 21 July 1697.
[34] *Ibid.*, xii, 16 May 1699.
[35] *Ibid.*, xxiv, 25 September 1713.
[36] *Ibid.*, 5 January 1713-14.
[37] S. P. D., Entry Books, cxxi, 21 January 1719-20.

to George I transmitted to them by Townshend, secretary of state.[38] About the same time the governor of Nova Scotia having directed a letter to the secretary, he sent it to the "Council of Trade", along with certain papers to which the letter referred. The commissioners were to give an answer which the secretary would put before the king.[39] A little later a memorial addressed to "the Right Honble John Lord Carteret one of His Maj$^{ty's}$ Principal Secretaries of State", was by the king's command transmitted to the board of trade. In it the secretary of Barbados complained that the acting governor had infringed upon the jurisdiction of his office.[40] That same year merchants and others of Jamaica having complained of the conduct of the governor, the complaint was put before the king, after which Carteret transmitted it to the lords commissioners of trade, they to consider and report to the king what was proper to be done.[41] About the same time the king appointed one to be governor of the Leeward Islands. Carteret directed the lords commissioners of trade to have prepared the drafts of his commission and instructions, which the secretary would present to his majesty for approval.[42] In 1757 one of Newcastle's memoranda as to the ministerial arrangements being made concerns the relations of secretary and board: "All the present Arrangements to stand as they are, And the Secretary of State to carry the Recommendations from the Board of Trade, as practiced at present."[43]

The board dealt with a great variety of matters that concerned the colonies and trade. In 1696 the commissioners of the customs represented to the treasury that

[38] Townshend to the lords commissioners of trade: S. P. D., Entry Books, cxxi, 14 February 1720-1. [39] *Ibid.*, 26 February 1720-1.
[40] *Ibid.*, 29 March 1721. [41] *Ibid.*, 4 May 1721.
[42] *Ibid.*, 9 May 1721.
[43] 23 September 1757: Add. MS. 32997, fo. 286.

the governors of the proprietary colonies were remiss about enforcing the acts of trade and navigation or connived at non-enforcement; the governors ought to be men of reputation and estate. This information was forwarded from the treasury to the board of trade.[44] At the same time some proposals about mines and naval stores in New England were read at the board, and two outsiders ordered to attend the next meeting.[45] A little after the commissioners reported to the lords justices recommending that the governor of Barbados be allowed to accept a present of £ 2,000 from the assembly there.[46] On another occasion was received the memorial of merchants and shipowners trading to Virginia and Maryland, asking a convoy for ships.[47] A few days later came a further memorial from Jamaica merchants about convoys: let the secretary enquire of the agents for the West Indian colonies how long the ships would be loading and unloading.[48] At another time the Newfoundland merchants sent a memorial to the board of trade about convoys for their ships bound thither. Through Secretary Trumbull this was put before the king, who commanded that the admiralty direct convoys to be prepared for the encouragement of that trade.[49]

In 1697 a communication signed by six of the board was sent to Governor Nicholson of Maryland: three ministers had been appointed by the bishop of London to that province; the customary travelling expenses of twenty pounds apiece from the treasury had not been given them; the governor must see that this was paid.[50] Somewhat later

[44] Board of Trade, Plantations General: C. O. 323, ii, 22 July 1696.
[45] C. O. 391, ix, 22 July 1696.
[46] Board of Trade, Barbados: C. O. 29, vi, 10 August 1696.
[47] Board of Trade, Virginia: C. O. 5, mcccix, 11 September 1696.
[48] C. O. 391, ix, 21 September 1696.
[49] S. P. D., Entry Books, cciv, 24 December 1696.
[50] Board of Trade, Maryland: C. O. 5, dxxv, 3 February 1696-7.

the attorney general was ordered to be present at the board on the next Monday, business of the Scottish East India Company to be dealt with.[51] That same year information from the East India Company about pirates in the East Indies was given to the commissioners.[52] In 1699 the board received information about a memorial from Leghorn—that Jews might have the privilege of trading thence to Alexandria in English ships with the advantages allowed in Turkey to those who traded under the English flag.[53] Somewhat later, the board having heard of a design proposed in Venice to organize a trade thence to Guinea, the secretary of the board asked the Royal African Company whether it had any port or tract of land on the coast of Africa which gave it the right to exclude foreign nations from trade there. The reply of the company was later read at the board.[54] In 1713 the committee of the privy council inquired of the board of trade " what Accounts they have received relating to the Raging of the Plague abroad, the said Committee being to Consider of the Quarantine of Ships coming from the Baltick." In 1713 and in 1714 there were frequent letters to the board from Bolingbroke, secretary of state, referring commercial matters, and asking for reports or information. Sometimes he himself attended, and on occasion other members of the cabinet or of the committee of the whole council were present.[55]

The commissioners had frequently to consider colonial legislation. Acts passed in colonial legislatures, which had to be submitted to the crown for final approval, were sometimes presented to the secretary of state—who turned them over to the board of trade or to the privy council, sometimes to the clerk of the council—who

[51] C. O. 391, x, 20 July 1697.
[52] *Ibid.*, 18 October 1697.
[53] *Ibid.*, xi, 28 February 1698-9.
[54] *Ibid.*, xii, 15, 24 November 1699.
[55] *Ibid.*, xxiii, 29 June 1713; xxiv, *passim.*

brought them before the council, whence they went to the board of trade or to the committee of the council and then to the board.[56] In 1696 the board of trade reported to the king on various acts passed in Massachusetts in 1693 and 1694, after which the king in council ordered them disallowed.[57] In 1714, "Mr. Solicitor General's Report upon four Parcels of Pennsylvania Laws, transmitted to him the 3d. of August 1713, Passed in the Years 1708, 1709, 1710, 1711 & 1712, was read; Whereupon their Lordships gave Directions for preparing the Draught of a Representation to Her Majesty thereupon."[58] About the same time was read at the privy council a report from the lords commissioners for trade and plantations "Setting forth that having rec$\overline{\text{ed}}$; from William Penn Esqr. Proprietary of Her Majts. Province of Pensilvania a Collection of Law's", they recommended that some of them be disallowed and others approved: this was done by the queen in council.[59] Next year, "An Act Pass'd in Barbadoes in 1708 . . . being laid before the Board; Order'd that the same be sent to Mr. Attorney General for his opinion thereupon in Point of Law."[60] Sometimes it would seem that colonial laws were submitted to the board of trade from the colonial governments directly. At a meeting of the board in 1740, the secretary of the board laid before the commissioners "several Publick Papers lately receiv'd from North Carolina, sent by Govr. Johnston as promis'd in his Letter"—several minutes of council and eleven acts of assembly passed in 1738. Shortly

[56] Dickerson, p. 264, who says of procedure after colonial laws had been presented to the council by the clerk: "Before 1721 the reference was usually directly to the Board of Trade."

[57] Board of Trade, New England: C. O. 5, dccclix, 10 December 1696, dccccvii, 10 December 1696.

[58] C. O. 391, xxiv, 13 January 1713-14.

[59] P. C. R., lxxxiv, 20 February 1713-14.

[60] C. O. 391, xxiv, 16 February 1714-15.

after, at a meeting of the board at which two were present, was read a letter from the governor of Barbados, transmitting public papers, among which were five acts passed there in the February preceding.[61]

The board of trade assisted when colonial officials were appointed. In 1700 the draught of a commission for one who was to be lieutenant governor of the Bermuda Islands was read and approved at the board, and ordered to be transcribed fair.[62] In 1713, "A Letter from the Earl of Dartmouth, of the 12th Instant, signifying Her Majesty's having been pleas'd to appoint Walter Hamilton, Esqr to be Governor of the Leeward Islands, in the room of Col^{o} Douglas, & directing the Board to prepare his Commission & Instructions, as usual, was read; Whereupon Ordered that the Draughts of a Commission and Instructions be prepared accordingly."[63] Next year Bolingbroke wrote that the queen had appointed John Hart to be governor of Maryland: "I desire that you will please to direct the Draughts of his Commission & Instructions to be prepared as usual that the same may be laid before Her Maj^{ty} for her approbation."[64] A little later the report from the board with the draft of a commission being read in privy council, the queen gave approval.[65]

When commercial treaties were negotiated the assistance of the commissioners was especially sought. In 1702 the board was asked to give information and suggestions for a treaty pending between England and the States General of the United Provinces. The commissioners were called to attend a meeting of the committee of the council at St. James's. After perusing former treaties between

[61] C. O. 391, xlviii, 16 April, 22 July 1740.

[62] *Ibid.*, xiii, 16 July 1700. [63] *Ibid.*, xxiv, 14 August 1713.

[64] S. P. D., Entry Books, cxiv, 1 January 1713-14: C. O. 391, xxiv, 5 January 1713-14. [65] P. C. R., lxxxiv, 17 January 1713-14.

the two countries, with particular regard to what concerned trade, the commissioners sent in a report signed by six of their number, making observations and giving their opinions.[66] Early the next year Secretary Hedges sent to the board a project from the Danish envoy: let the commissioners consider it, and suggest any points which the English representatives ought to raise for the advantage of trade in arranging the new treaty with Denmark.[67]

By no means did the board of trade take away from the privy council—or rather, as time went on, from the committee of the whole privy council—all the business relating to trade and plantations done formerly by the council and its committees. From 1696 to 1714, at least, the board was active and important, receiving great numbers of communications direct from the plantations, and making reports or recommendations to the council upon them, or giving orders itself. During that period, however, the clerks of the privy council averred that their duties had rather increased than diminished through establishment of the board of trade, even though the committee of the council for trade and plantations no longer existed. Accordingly, they asked for additional compensation, which was granted. Furthermore it was almost at once decided that one particular category of colonial business should be under the privy council and not under the commissioners for trade and plantations. In December 1696 it was ordered in council that all appeals from any of the plantations should be heard as formerly by a committee of the council to report to the king in council—all the lords of the privy council, or any three of them, to be a committee for that purpose.[68] Thereafter the committee of

[66] C. O. 391, xv, 29 June 1702; S. P. D., Anne i, 1 July 1702.

[67] S. P. D., Entry Books, ci, 1 January 1702-3.

[68] P. C. R., lxxvi, 10 December 1696; C. O. 391, ix, 11 December 1696.

the council for hearing appeals from the plantations—no more than an aspect of the committee of the whole privy council—was one of the principal manifestations of committee activity, and this committee it was during the eighteenth century that principally maintained the position of the privy council as the highest court for colonial appeals.[69]

After 1714 the importance and activity of the board of trade declined a great deal. Many of its principal functions were in reality taken over by the secretary of state. Furthermore, the board, which had from the first been to some extent a committee of the privy council—though in respect of many things it had worked as a subordinate and collateral council, receiving communications directly from various officials and bodies, and in some cases sending back its own orders and directions—became more and more subordinate to the direction of the committee of the whole privy council, which presently took over much of its work. To some extent, doubtless, this was evidence of a greater amount of actual participation by privy councillors in such work instead of formal sanctioning by the privy council of tasks elsewhere worked out. In course of time many communications, such as formerly had been sent to the board of trade, went to the council, and many things previously referred from the council to the board of trade were referred to the committee of the council, which in turn referred them, if it so wished, to the board. With respect to colonial legislation—that had come to be always reviewed in London before assent of the British government was supposed

[69] For a study of appeals from the British colonies that afterwards formed the thirteen original states of the United States, see A. M. Schlesinger, "Colonial Appeals to the Privy Council", *Political Science Quarterly*, xxviii. 279-97, 433-50 (June, September 1913).

to be obtained [70]—there was diversity of procedure, with no one method of reference, apparently, observed. Sometimes, as before, colonial acts were submitted by the governors directly to the board of trade. Sometimes they were sent to the king in privy council, and were thence referred through a secretary of state for consideration either to the committee of the council or to the board.

During the eighteenth century the privy council came to be an assembly in which as a rule no more was done than registering formal decision in respect of matters already elsewhere decided and performing formalities of state. Otherwise such effective work as privy councillors accomplished they did not do in the council but in the committee of the whole council. It was with the committee, then, not with the council that the board of trade for the most part really had its dealings. With the growth of the power and activity of the cabinet, with the development of governmental departments, such as admiralty and treasury, and since the rise of the secretaries of state, little, save for formal sanction and ceremonial procedure, had been left to the privy council excepting colonial business. Matters having to do with trade and plantations, therefore, made up most of what occupied the attention of councillors acting as a committee of the whole council. In the period after 1714, as the board had declined the committee of the council for plantations or the committee of the whole privy council had become increasingly active and important with respect to trade and plantations.

After the early years of George I increasingly did the committee of the whole council rather than the council deal with the board of trade. By 1729, for example, it

[70] Doubtless it was in consequence of the long development of this practice that when the constitution of the United States was adopted provision was made for possible review of state legislation by the supreme court of the United States.

would seem that the committee supervised and reviewed most of what the board did. Generally, representations of the board of trade to the privy council were turned over to the committee of the council. The committee of the council was itself very active in plantation affairs, hearing many petitions and many appeals from decisions of courts. At this time colonial acts were being delivered by the respective agents of the colonies to the clerk of the council in waiting, to be laid before the king in council. The king would refer them to the lords commissioners for trade and plantations to consider them and report opinion to the king in council. The reports made were usually referred to the committee of council. The lords of the committee would consider, and usually approve, the reports of the board of trade, making their own reports to such effect to the king in the privy council.[71] By 1731 and 1732 other plantation business was largely referred from the privy council to the committee of the council, less often to the board of trade. When referred from the council to the board, what the board reported was almost invariably reviewed by the committee. The committee itself was now referring matters to the board.[72]

After about 1740 the board of trade dealt almost entirely with "the Lords of the Committee of Council". Less and less did it deal directly with the privy council, except on order of the council, and such orders became less frequent. All the time, however, there were numerous orders from the committee of the council to the board of trade to consider matters, prepare draughts, investigate acts, petitions and representations.[73] So it continued. After 1748, for example, the procedure was much the same. Business relating to trade and plantations was referred from the privy council to the com-

[71] P. C. R., xc, xci.
[72] *Ibid.*, xci, xcii.
[73] C. O. 391, xlviii, lvii, lxiii.

mittee of the council, and from the committee to the board of trade. What was done by the commissioners was supervised by the committee. Colonial legislation was submitted to the privy council, thence to the committee of the whole council, thence to the board of trade. Recommendations of the board of trade in respect of colonial officials were sometimes approved at once in the privy council; sometimes they were referred from the council to the committee of the council; sometimes order was given from the privy council to the commissioners that a certain one was to be appointed to a colonial office and that his commission should be prepared. Usually, however, the recommendations of the board of trade, reviewed by the committee of the council, were approved by the committee, and reported to the council as received.[74] In many cases members of colonial councils seem to have been appointed in consequence of recommendation by the lords commissioners of trade and plantations.[75]

Frequently the board and the committee had before them legislation sent from the colonies for approval. In August 1731, George II having referred to the committee of the council a representation from the board of trade upon a Massachusetts bill, three members of the council—the lord president, the chancellor of the exchequer, Horatio Walpole—met in the council chamber at Whitehall. They recommended that the king approve an additional instruction to the governor empowering him to assent to the bill.[76] The day after:[77]

> Whereas the Agent of the Colony of Massachusetts Bay did on the 27th of last Month deliver into the hands of the Clerk of the Councill in Waiting Eighteen Acts past in the generall Assembly of that Province in the Months of February, March, & aprill 1731,—And Whereas the said Acts were this day laid before His

[74] P. C. R., c-cvii.
[75] *Ibid.*, ci.
[76] *Ibid.*, xci, 11 August 1731.
[77] *Ibid.*, 12 August 1731.

> Majesty at this Board—His Majesty was thereupon pleased to order that the same be, and they are hereby Referred to the Lords Commissioners for Trade and Plantations to consider the same and Report their Opinion thereupon to His Majesty at this Board.

In 1732, in a council of the king and nine at St. James's, the business included several Massachusetts acts passed in the preceding April.[78]

> Which said Laws having been under the Consideration of the Lords Commissioners for Trade and Plantations, And also of a Committee of the Lords of His Majestys Most Honourable Privy Council—The said Lords of the Committee this day presented the said Laws to His Majesty at this Board with their Opinion that the same were proper to be approved: His Majesty in Council taking the same into Consideration, was graciously pleased to declare his approbation.

In 1737 seventeen Massachusetts acts presented to the king in council were referred directly to the board of trade.[79] In November 1739 the committee of the council for hearing appeals from the plantations, consisting of the lord president, the earl of Cholmondeley, Lord Monson, and the master of the rolls, referred to the lords commissioners six acts passed in Pennsylvania the May preceding.[80] In March 1740 the board of trade considered and ordered a report prepared upon "Six Acts passed in Pennsylvania in May 1739, referred to this Board by the Lords of the Committee of Council."[81] A little while after this, at another meeting of the board with four present, was read an order of "the Lords of the Committee of Council" referring to the board seven acts passed in Massachusetts in 1739 and another order referring thirteen Massachusetts acts of 1738.[82] In 1749, a representation

[78] P. C. R., xci, 27 January 1731-2.
[79] *Ibid.*, xciv, 18 August 1737.
[80] *Ibid.*, xcv, 23 November 1739.
[81] C. O. 391, xlviii, 27 March 1740.
[82] *Ibid.*, 19 August 1740.

of the lords of trade to the privy council for repealing certain colonial acts passed some years before, was referred from the council to the committee of the council for plantation affairs.[83]

In 1750 " the Right Honourable the Lords of the Committee of Council appointed to Consider the Irish Bills ", consisting of six of the council, after inspecting six Irish bills, took up two acts passed in Pennsylvania in previous years. They had been delivered to the clerk of the council in waiting. The king in council had referred them to " this Committee ". Their lordships now took them into consideration, and referred them to the lords commissioners of trade and plantations, for examination and report to the committee. A fortnight later, at a meeting of the board of trade with three present was read the order of the lords of the committee referring these acts.[84] In November the lords justices having referred certain Massachusetts acts to the lords of the committee of council for plantation affairs, the committee considered them and referred them to the lords commissioners for trade and plantations.[85] In 1751 thirteen Jamaica acts with a representation from the lords commissioners for trade and plantations thereupon having been referred to the consideration of a committee of the privy council for plantation affairs, the committee reported the acts as proper.[86] Some months afterward the king in council having referred a representation of the board of trade about certain Virginia acts, the lords of the committee of council for plantation affairs, in a meeting of six, considered this report and agreed with the commissioners as to which acts should be confirmed and which repealed.[87] In 1780 the " Lords of the Committee of Privy Council " referred

[83] P. C. R., ci, 5 October 1749.
[84] *Ibid.*, 27 February 1749-50; C. O. 391, lvii, 15 March 1749-50.
[85] P. C. R., cii, 15 November 1750.
[86] *Ibid.*, 12 July 1751.
[87] *Ibid.*, 16 October 1751.

to the lords commissioners of trade and plantations the propriety of a duty imposed by the parliament of Ireland upon sugar imported there from Great Britain.[88] Altogether during this period it would be difficult to say that there was any regular procedure: whether colonial acts were referred from the privy council to the board of trade and then to the committee of the council, or from the privy council to the committee and thence to the board.

Likewise with respect to colonial appointments. In 1732 a communication from the commissioners was read at a privy council held at St. James's, recommending an appointment to his majesty's council in Barbados. The king ordered it referred to the lords of the committee for their opinion to him in council.[89] That same year the board of trade recommended that certain persons be appointed councillors in New Hampshire; referred by the king to the lords of the committee; they, apparently not pleased with one of the names, referred it back to the lords commissioners for further consideration.[90] In 1737, at a privy council of nine held at Whitehall, a report of the board of trade about instructions for governors of plantations in America was read and approved in the council, with no reference, it would seem, to the committee.[91] During all this time the board continued to make representations to the king recommending appointments to fill vacancies in plantation councils.[92] Sometimes the recommendations were referred from the council to the committee for plantations.[93] Sometimes they were approved when sent from the board to the council.[94] In 1756 at a meeting of the board was read an order of the king in council approving the board's recommendation of one to be captain general

[88] S. P. D., George III, xiv, 29 June 1780.
[89] P. C. R., xci, 19 January 1731-2.
[90] *Ibid.*, 3 February 1731-2.
[91] *Ibid.*, xciv, 29 November 1737.
[92] C. O. 391, xlviii.
[93] P. C. R., c, 12 February 1746-7.
[94] *Ibid.*, 17 November 1746.

and governor of Barbados, and directing the board to draft a commission and general instructions.[95]

During this later period the committee of the council along with the board of trade dealt with petitions from the plantations. In 1731 "The Lords Commissioners for Trade and Plantations having been desired to be present at the Committee of Council, which was appointed to meet at the Cockpit on Monday the 25th of this inst to Examine into the severall Petitions from the Sugar Islands and from the Northern Colonys in America—I am Directed to acquaint You, that the Meeting of the said Committee is putt off to Tuesday." [96] In 1746 the petition of certain ones in the Bermudas, praying a grant of lands for vineyards, was referred by a council of six to "the Lords of the Committee of Council for Plantation Affairs". Four days later a council of eight having attended to various matters, their lordships sat as a committee and dealt with the petition from the Bermudas: "The Lords of the Committee this day took the said Petition into their Consideration and are hereby Pleased to referr the same . . . to the Lords Commissioners for Trade and Plantations." [97]

Doubtless it was the division of labor between the committee of the whole privy council and the board of trade that had something to do with the delays and the inefficiency of which the board was later on accused. They resulted primarily because the board was from the first subordinate to the privy council, generally able to recommend but not execute without order of the council. This could not but be increased when the council referred matters sometimes to the board of trade, sometimes to the committee of council which might refer them to the board, without any settled or definite procedure emerging; while increasing participation of the committee of the council in

[95] C. O. 391, lxiii, 18 February 1756.

[96] The clerk of the council to the secretary of the board of trade: P. C. R., xci, 23 January 1730-1.

[97] *Ibid.*, xcix, 12, 16 June 1746.

the work that underlay reports and recommendations, though it may often have brought more cordial coöperation between committee and board—some members at times attending meetings of both, probably also at other times produced further confusion and delay.

In 1747 Sir William Gooch, lieutenant governor of Virginia, informed the board of trade that he had been solicited for grants of land on the western side of the great mountains. He wished to know the king's pleasure therein. The king referred this matter to the board of trade. The board reported favorably the next year. The report was then reviewed by the committee of the council, the committee directing the commissioners to draw up instructions to the lieutenant governor. That was done and laid before the king in the council. Meanwhile the Ohio Company petitioned the king asking that the governor of Virginia be instructed to grant them a tract of land. This petition being referred to the board of trade the commissioners reported that it would be well to comply with the request, and the draft of an instruction was presently approved in the privy council. In 1754, after the governor and council of Virginia had made large grants to individuals, the Ohio Company petitioned the king asking that the boundaries of their country might be fixed. "But it appearing to the board of trade, that the limits mentioned in the petition would include too great a quantity of land, their lordships were of the opinion, that it should not be complied with; and they proposed some instructions to the governor relative to this affair in their report. *But this report still remains under the consideration of the council; and no order at all has been made on it to this day.*" [98]

[98] *The Conduct of the Ministry Impartially Examined. In a Letter to the Merchants of London* (London, 1756), pp. 20-24.

CHAPTER XXVIII

THE COMMITTEE OF THE WHOLE PRIVY COUNCIL

DURING the seventeenth century an increasing part of the work of the privy council was done by committees. These committees of the council, whether temporary or standing, were parts of the council, composed of some of its members to whom particular tasks were referred for the sake of division of labor and that certain tasks might be done by those most capable and most willing to do them. From among these committees finally one all-important committee emerged with most of the greatness and power which the privy council once had possessed.

Eventually, however, for the most part, the system of committees of the council as parts or divisions of the council failed. It was as difficult to procure full attendance at committees as at the privy council. Generally speaking, though there were of course numerous exceptions, the most important members of the council and those most active, the ones who generally came to council meetings, were those who came to meetings of committees. There was on the one hand a tendency for most of the committees to be attended generally to a considerable extent by the same members; on the other it was often difficult to get some members of the council committees to come to committees. Hence, and for other reasons, perhaps, it came to be the custom to assign some of the most active and indispensable members of the council to several committees, and presently to all committees. From this, apparently, the next step was to appoint all of the councillors to a committee, with expectance that certain de-

pendable members of the council would certainly attend the committee meetings, and that some of the others might come. At all events, the tendency to appoint the whole council to be a committee steadily increased, until by the end of the seventeenth century the committee of the whole council tended to displace committees that were parts of the council. In the eighteenth century the committee of the whole privy council superseded in effect all other recognized council committees, and itself became the normal and ordinary form of council committee. During the eighteenth century limited committees were, indeed, sometimes appointed, but they merged easily into the committee of all the council. From that time the names of what appear to be particular or limited committees often occur, but the student becomes aware that generally this is no more than the use of particular names to describe the committee of the whole council in respect of particular work which engaged it for the moment.

The appointment of the important and dependable members of the council to several committees began early in the seventeenth century. In 1634 there were at least five standing committees of the council. The archbishop of Canterbury was a member of the committee for foreign plantations, the committee for trade, the committee of Ireland, the committee for foreign affairs, and the next year he was a commissioner for the treasury. The lord treasurer was on the committee for foreign plantations, the committee for trade, the committee for the ordnance, the committee of Ireland, the committee for foreign affairs. The two secretaries of state—Coke and Windebank—were on all five of the committees, as was Lord Cottington. The earl marshal was on four, and the comptroller of the household on three.[1] In 1636, when there

[1] P. C. R., xliv. 1.

were five standing committees of the council of which lists of the members remain, the lord treasurer, the earl marshal, Lord Cottington, the two secretaries were on all of them—the lord treasurer was also on the committee for the admiralty, of which the rest of the list is wanting, and the archbishop of Canterbury was on four of them.[2] In 1639, when there were five standing committees of the council which are now known, the lord treasurer, the earl marshal, the two secretaries were on five; the archbishop of Canterbury and Lord Cottington on four.[3] In 1657 when Richard Cromwell took the councillor's oath it was ordered "That the Lord Richard Cromwell be added to all the Com^ees of the Counsell".[4] In the period from the restoration in 1660 to November 1664 fifty-four committees of the privy council are known to have been appointed. Forty-three of these committees contained both secretaries of state, while seven more had one secretary. Sir Anthony Ashley Cooper was on forty-one committees. The earl of Anglesey was on thirty-six. The lord treasurer was on thirty-one. The lord chancellor was a member of seventeen.[5] In 1661 at a meeting of a council of twelve with the king at Whitehall, it was ordered that the lord chamberlain and the vice chamberlain should be added to a committee previously appointed to treat with the ambassadors from the Netherlands, "& to all other Comittees."[6]

In 1668 Charles II appointed a standing committee of the council for foreign affairs consisting of eight members of the council, "besides his Royall Highness who is understood to be of all Com^ttees where he pleases to be."[7] At the same time, specifying the members of the various

[2] *Ibid.*, xlvii. 1, 2.
[3] *Ibid.*, li, fo. 1.
[4] S. P. D., Interregnum, I 78, 31 December 1657.
[5] S. P. D., Charles II, civ. 139-45.
[6] P. C. R., lv, 23 August 1661
[7] *Ibid.*, lx, 12 February 1667-8.

standing committees just established, "his Ma^ts further meaneing is . . . that his Two Principall Secretaryes, of State, be ever understood to be of all Committees." [8] Somewhat later that year at a meeting of the council in presence of the king, "It was this day Ordered, That Sr John Trevor, Principall Secretary of State to his Matie, be added to all Committees of this Board." [9] In 1679 when the committee of intelligence was constituted, the lord chancellor and the lord president were appointed to it, "Who wth the two Secretaryes may be p^rsent at all Comittees, as often as they see fit." [10] At a meeting of the king and privy council in 1680, "His Ma^ty was pleased this day to comand That Sir Robert Carr Chancell^r of the Dutchy be of all Committees of this Boord." In 1690, when Lord Godolphin was sworn of the council, the register notes that "The R^t Hono^ble the Lord Godolphin added to all Committees." [11]

It is probable that those whose presence was desirable and those who could be counted on to attend were appointed to many committees. Minutes of committee meetings for the earlier period do not remain in sufficient numbers to give much knowledge of attendance of members at them. To privy council meetings, however, there is no doubt that the important and active members came much more often than the others. In 1672, for example, there were eighty-one meetings of the council recorded in the register. Charles II was present seventy-one times; the duke of York forty-two times—he was at sea during much of the year, but present at council very regularly

[8] P. C. R., lx, 12 February 1667-8.

[9] *Ibid.*, lxi, 21 October 1668.

[10] *Ibid.*, lxviii, 22 April 1679. "And of course the Lord Chancellor, Lord President and two Secretaries, who are of this as well as of all other Committees." Sir Robert Southwell to the duke of Ormonde, 22 April 1679: *H. M. C., Ormonde MSS.*, new series, iv. 504.

[11] P. C. R., lxix, 20 October 1680; lxxiv, 20 November 1690.

when he could come; the duke of Ormonde thirty-seven times; the duke of Lauderdale thirty-four times; the earl of Shaftesbury forty-eight times; the earl of Arlington sixty times; the duke of Buckingham twenty-seven times; Clifford, who sat first in May, forty-one times.[12]

Already, however, had begun the process of making all the council a committee for some particular purpose, that is to say, a temporary or a standing committee of the whole council. In May 1603 James I appointed all the members of the privy council by commission under the great seal to meet once a week and deal with private suitors whose causes were not depending in courts of law. An abstract of the lost council register notes

> An open placard concerning the causes of suitors to his ma^tie^ and their Lps, wherein it is ordered that tuesdayes in the after none shalbe apointed for that purpose, and that sixe of the LL^s^ at the least shall meete to consider and give answere to suitors

Another account declaring the king had been pleased by commission to appoint that Tuesday afternoon should be held "a certaine day of counsell", says:

> The LLs. doe hereby Notify to all psons that suche an Assembly shalbe obserued from time to time betweene twoe and three of the clocke in the afternoone, where either all or six of them at the Least wilbe redy to receaue peticons of that Nature aforsaid

The scanty evidence available would seem to make it clear that the privy council was ordered to hold sessions once a week for this particular purpose; and actually their lordships met "in Councell" immediately after to hear petitions and suitors. Yet, since all the members of the council were appointed by a commission, they may to some extent have been regarded as a "commission" or a

[12] *Ibid.*, lxiii, 2 January 1671-2—23 December 1672.

committee while doing the specified work in the sessions for that purpose, and so have been thought of as a committee of all of the council.[13]

In 1619 when Lord Hollis would not stay his quarrel with Sir Edward Coke, he was put into the Fleet, "for wch the councell are comittee."[14] In 1628 a memorandum containing account of business at the privy council and at the council of war, sent by the lord president to Charles I, contains a note of "The Commission to the wholl Counsell to consider of means for raising of moneyes."[15] Three years later all the members of the council were appointed a standing committee to hear and determine controversies about the jurisdiction of the king's law courts.[16] In 1636 the great number of aliens resorting to England was considered by the king and his council at Whitehall. It was resolved that aliens should be restrained from coming, and that those not thought fit to stay in England should be sent away. For those allowed to remain a committee of the council was to prepare regulations. A committee of twelve of the important members of the council was appointed, or any three of them, "At wch Comittee alsoe", continues the register, "any other of the Members of this Board, may be prsent". In 1640, when Charles I was again about to depart for the north, a commission was

[13] Add. MS. 11402, fo. 89; Lansdowne MS. 160, fo. 147. These passages were brought to the attention of scholars by Edna F. White, "The Privy Council and Private Suitors in 1603": *English Historical Review*, xxxiv. 588-90 (October 1919). Her comment (p. 589), "The authorization of a committee to act for the whole council foreshadows that general system of committees which developed under the Stuarts", may be either not clear or not correct; but, considering the insufficiency of the pertinent evidence that remains, it does not, in the author's opinion, surely warrant the condemnation that her "note . . . is marred by the inaccuracy of its conclusions": E. R. Adair, *The Sources for the History of the Council in the Sixteenth & Seventeenth Centuries* (London, 1924), p. 41.

[14] Sir Edward Harwood to Sir Dudley Carleton: S. P. D., James I, cix, 12 June 1619. [15] S. P. D., Charles I, xciv, 28 February 1627-8.

[16] *Ibid.*, cxc, 6 May 1631.

given to twenty of the privy council to manage the kingdom during the king's absence from London, and to them were added "all and every other" of the members of the council, save those who were accompanying the king.[17]

There was something like this in 1644 when at a meeting of the committee of both kingdoms it was ordered "That a Sub: Com^{ttee} be appointed to attend my Lo Generall to morrow afternoone to consider of What proportions of Victualls and other things necessary the severall Countyes shall furnish to the Army according to the letter of both Houses." A group of five or any three of them was named. Next day at a meeting of the committee of both kingdoms at which twelve were present it was ordered "That all the Com^{ttee} present, except the Scotts Com^{rs} Sr Henry Vane jur and Mr Sollicitor shall be at the Sub Com^{ttee} at my Lo Generalls this afternoone to prepare all businesse for to Morrow Morning to be reported to the House." [18] In July 1648, the committee of both houses ordered: "That this Comittee or any two of them shall be a Sub Comittee to view the papers taken upon Mr Vaughan." [19]

In March 1650 the second council of state resolved: "That the whole Councell or anie five of them bee appointed a Committee for trade and Plantations." [20] At the second meeting of the fourth council of state in December 1651 it was ordered that any five or more of the council should be a committee to consider of the plantations. A week later, however, when the petition of a certain one was referred to this committee, the names of seven of the council were specified as those to whom the matter was referred.[21] In 1653 order was given in the seventh council of state [22]

[17] P. C. R., xlvi, 1 May 1636; lii, 6 September 1640.
[18] S. P. D., Interregnum, E 7, 11, 12 April 1644.
[19] *Ibid.*, E 10, 17 July 1648.
[20] *Ibid.*, I 64, 2 March 1649-50.
[21] *Ibid.*, I 66, 2, 9 December 1651.
[22] *Ibid.*, I 71, 14 October 1653.

> That no Petic̄on be brought into the Councell to be there read dureing the sitting of the Councell, but what hath beene first approved of by a Com̄ittee of the Councell which is to consist of any three or more of the Councell wch shall first meet in the Councell Chamber before the comeing together of a Quorum of the Councell, which said number of persons soe meeting together are hereby appointed a Com̄ittee to read such petic̄ons as shall be addressed to the Councell.

Two days after the assembling of the eighth council of state another committee of any three of the council was appointed in like manner.[23] In November 1655 in the protector's council it was "Ordered That there be a standing Com^tee^ of the Councell consisting of all the Members thereof", of which the quorum was to be any three.[24] Early the next year was formed a commission containing some members of the council and numerous others, to collect money for distressed Protestants in Piedmont. To it were presently added all the other members of the council.[25]

In 1668, when Charles II was reorganizing his standing committees of the council, it was noted with respect to the committee of trade and the committee of grievances—both of which had just been designated as of limited membership—that "his Ma^ts^ further meaneing is, That to these Two last Committees any of the Councill may have liberty to come and Vote."[26] In 1679 in a council of the king and twenty-seven at Whitehall[27]

> His Maj^ty^ was this day pleased in Councill to order, That there be a Committee of Examinations appointed, to meet for inquiring into all Things relating to the Plot. That all the Lords of the Councill be of the said

[23] S. P. D., Interregnum, I 72, 5 November 1653.
[24] *Ibid.*, I 76, 1 November 1655.
[25] *Ibid.*, 4, 18 January 1655-6.
[26] P. C. R., lx, 12 February 1667-8.
[27] *Ibid.*, lxviii, 28 May 1679.

Comittee, and that their Lops meet on Saturday morning next, and so from time to tyme, as their Lops shall see cause, and appoint, and that their Lopˢ do omit nothing, That may expresse their Care and Zeale in the Vigorous Prosecution of the Plot.

In 1680 it was ordered by the king in council "That the Right Honᵇˡᵉ the Lords of his Matˢ most Honᵇˡᵉ Privy Councill or any three or more of them bee . . . a Comittee of this Board to take care of the redemption of Captives now in Slavery att Algiers, Sally & other places on the Coast of Africa." [28]

In 1688 James II in council ordered that all the lords of the privy council should be a standing committee for trade and plantations.[29] A little later he appointed the lords of his council, or any three of them, to be a committee to inspect or examine from time to time the accounts of money collected for the poor throughout the kingdom. The marginal summary in the register is: "The Councill to be a Committee." [30]

After 1688 committees of limited membership, temporary and standing, continued to be appointed. In 1690 one of the clerks of the council wrote in the margin of the register: "Comittees to meet oftener in his Matʸˢ absence." [31] The Revolution of 1688 had nothing to do with reorganization of the structure of council and committees, yet it may be taken as an epoch in the history of a development characterized by gradual alteration and merging rather than by stages distinctly delimited one from the other, for the period about this time can be understood to mark off roughly two stages in the history of the committees of the council. Previously the committee of limited membership had been the normal committee of the coun-

[28] *Ibid.*, lxix, 15 September 1680.
[29] C. O. 391, vi, 27 January 1687-8.
[30] P. C. R., lxxii, 27 April 1688.
[31] *Ibid.*, lxxiii, 30 May 1690.

cil. About the end of the century the committee of the whole privy council tended to supersede the limited committee, and after that time the committee of the whole council was the prevailing type. In 1693 it was ordered by the queen in a council of twelve, "that the Lords of the Councill now present, be, and are hereby appointed a Committee, to examine the Business of Proving Great Guns." [32] In 1694 a standing committee for the affairs of Ireland was named.[33] In 1709 Anne appointed thirteen members of the council to consider an Irish bill.[34] There were other instances of limited committees of the council being appointed, especially committees named to examine the bills prepared in each session of the Irish parliament.[35] None the less, as time went on after the period of the revolution the council committees were committees of all the members of the council or else became so.

In 1694, the duke of Shrewsbury, secretary of state, noted that the lords of the admiralty delivered their report upon the commissioners of the sick and wounded, and that upon petition the commissioners were ordered to be heard "at a Committee, when the whole Councill are to be summoned." [36] That same year at the committee of trade and plantations was stated the rule: "Upon Sumoning Comittees all the Lords of the Councill are to have notice." [37] In 1695 it was ordered by the lords justices in council "that the Lords of His Ma^{tys} most hono^{ble} Privy Councill be, and their Lo^{pps} are hereby appointed a Committee for Hearing and determining the Claim and Right of the Kings Heralds and Pursuivants of Arms, to severall Things, as their Fees, at Her late Ma^{tys} Funerall." [38]

There had already been a tendency for committees to merge into each other. For a certain day in 1668 there

[32] P. C. R., lxxv, 14 September 1693.
[33] *Ibid.*, 29 November 1694.
[34] *Ibid.*, lxxxii, 9 June 1709.
[35] See above, ii. 194-7.
[36] *H. M. C., Buccleuch MSS., Montagu House*, ii, part i. 62.
[37] C. O. 391, vii, 1 August 1694.
[38] P. C. R., lxxvi, 11 July 1695.

are rough minutes of the meeting of a committee of trade, with the earls of Carlisle and Craven and Lord Holles present. On the same sheet, directly underneath and scarcely separated are other minutes of a "Comtee of Jersey", on the same day. These minutes are in the same hand as the preceding, and there is no new list of members present.[39] In 1680 one of the secretaries of state wrote to the earl of Derby that he had shown the earl's letter with certain accompanying information to the king, who "was pleasd to command it to be produced at the next Councill or Comtee of Councill which was done accordingly his Matie being present on sunday last."[40] Actually this appears to have taken place at "the committee" or the committee of foreign affairs, but perhaps the matter might be referred to that committee which found it convenient to give consideration.

After committees of the council were committees of the whole privy council this merging was easier as it was more natural also. In 1697 a petition from a captive held in Barbary humbly praying forty pounds towards his redemption was referred by the lords justices in council to the lords of the committee of council, who were to report to the council. Somewhat later a petition from divers poor women whose husbands or relations were in miserable captivity under the emperor of Fez and Morocco was referred by the king in council to the lords of the committee for captives.[41] This committee for the redemption of captives was a committee of the whole council. Such was true of the committee for hearing appeals from the plantations, and the committee for Jersey and Guernsey had come to be such. A little afterwards, "Att the Committee for heareing Appeales from the Plantations,

[39] S. P. D., Charles II, cclv, 15 December 1668.
[40] S. P. D., Entry Books, lxii, 30 November 1680.
[41] P. C. R., lxxvii, 9 September 1697, 16 July 1698.

For the Affaires of Jersey and Guernzey And for the Redemption of Captives", consisting of the bishop of London, Secretary Vernon, and Lord Chief Justice Holt only, were considered matters relating to Guernsey, Rhode Island, Jersey, and report was made about the redemption of captives in Morocco.[42] In 1699 three members of the council making a "Committee for the Affaires of Jersey and Guernsey, and for hearing Appeals from the Plantations" considered only a report about Antigua.[43]

Indications of the development of the committee of the whole privy council are to be seen in the increasing facility with which a council might be turned into a committee or a committee might after doing its business sit as a council, for here the idea was that the committee was not a part of the council but such members of the entire council as had met for some particular business. There were, indeed, instances where a limited committee was turned into a council, but that did not often take place.

In July 1660 Charles II was present at Whitehall in a privy council of sixteen. Eight of those present in council were members of the standing committee of plantations, whose membership altogether was ten. The council sent out a letter, considered a petition, and gave an order. "Severall of the Lords then sitting as a Comittee, touching the Plantacons of the Islands & Continent of America" considered a petition of Lord Willoughby. Then "It was Ordered by his Matie (afterwards coming & sitting in Councill,)" that Lord Willoughby and other planters should attend the committee after which the committee should report to the king.[44] Some of this was like what frequently happened in the eighteenth century, when the committee of the whole had virtually superseded other committees of the council. In 1721 "the Lords of the

[42] P. C. R., lxxvii, 2 September 1698.
[43] *Ibid.*, 2 August 1699.
[44] *Ibid.*, liv, 16 July 1660.

Committee of his Majtys Most Honble Privy Councill", attended by four, referred to the admiralty a petition relating to a prize. Then "Their Lordps Sitting afterwards as a Councill, dispatcht the following business": matters having to do with quarantine.[45]

At a council of twenty at Whitehall in 1663 Charles II declared his intention of having the archbishop of Canterbury sworn a member. The primate was ill, unable to come to the board to be sworn, so eight lords of the council, or any six of them were ordered to "meete & hould a Councell at Lambeth-house on Monday next the 6th of this Instant Aprill" to administer the oaths of allegiance and supremacy and the oath of a privy councillor. The clerk notes in the margin of the register: "Order to a Comittee of the Board to hold a Councell at Lambeth & to administer the vsuall Oathes of a Privy Councellor to his Grace the Lord Arch Bp of Canterbury". On the appointed day "Their Lops assembled & sate in Councell at Lambeth house", where they administered the oaths.[46] In 1672 a committee of foreign affairs, at which were present the king and seven, considered certain military matters, some business relating to Portugal, and the petition of Lady Mohun. The first entry in the minutes is "This meeting ordered to be a Councell."[47] The privy council register records a council of the same members that day, but has a minute only about the business of Lady Mohun.[48] In a privy council attended by seven at Whitehall in 1681, the earl of Bridgewater was sworn lord lieutenant of Hertford. After which follows the entry: "By the Comtee for the Affaires of Ireland. Pres-

[45] *Ibid.*, lxxxvii, 4 March 1720-1.

[46] *Ibid.*, lvi, 3, 6 April 1663.

[47] State Papers, Foreign, Entry Books, Miscellaneous, clxxvii, 13 April 1672.

[48] P. C. R., lxiii, 13 April 1672. This was a rare instance of a committee always strictly limited in membership being made to sit as a council.

ent ut supra." Here a petition of the earl of Clancarty and some other matters were considered.[49] "This afternoon", wrote the secretary of state for Scotland in 1685, "the wholl Councill uas turned into a Committy for consideringe of the time and maner of the King's Coronatione." [50]

During the time of William and Mary and afterward the idea of the committee of the whole council became clearer and better established. Where previously there were many instances of council business being referred to a committee which might be attended by all the members of the council, now committees of the "whole council" were appointed under that name, and whenever a committee was appointed it was understood to be a committee of the whole council unless the contrary was clearly specified. Indeed, on one occasion, when a petition of the Levant Company had been referred by Mary in council to the committee for trade and plantations, and it was afterwards thought well to refer the petition and other matters depending before the committee "to the whole Privy Council", it was necessary to state that the lords were "to meet as a Councill." [51]

In 1693, in a council of the king and thirty-two at Whitehall, it was ordered that consideration of a memorial about a ship should be referred to "a Committee of the whole Councill." [52] Next year a proposal of the commissioners of the admiralty for supplying the city of London with corn was by the king in council "Referrd to a Committee of the whole Councill.[53] About 1695 Edward Southwell, clerk of the privy council, speaking of the

[49] P. C. R., lxix, 28 February 1680-1.

[50] The earl of Moray to the duke of Queensberry, 19 February 1684-5: *H. M. C., Buccleuch MSS., Drumlanrig*, ii. 44.

[51] P. C. R., lxxv, 24, 25 October 1693. [52] *Ibid.*, 7 December 1693.

[53] *Ibid.*, 11 January 1693-4.

reference of business to committees of the council, says "any Jersey affair or complaint to ease the whole Council R. to the Com̄. of Jersey or of the whole Councill." [54] Shortly after, William III in a council of seventeen ordered that a certain letter be referred to "a Committee of the whole Councill." [55] At another time two petitions and a report from the justices of South Wales were by the king in council referred "to the Lords of the Committee of the whole Councill" for consideration and report.[56]

In 1696 at a council of the king and eighteen at Kensington

> His Majesty haveing this day taken into His Royall Consideration the Matter of Heareing Appeals from the Plantations, is pleased to Direct and Order in Councill That all Appeals from any of the Plantations be heard as formerly by a Committee who are to Report the Matters so heard by them with their Opinion thereupon to His Majtie in Councill. And in Order thereunto His Majtie did Declare His Further Pleasure, that all the Lords of the Councill or any Three or more of them, be Appointed a Committee for that Purpose.

The marginal entry runs: "All Appeals from the Plantations, to be heard First att the Committee of the Whole Councill." [57] In 1697 to the king and a council of fourteen was read "a Report of the Lords of the Committee of the whole Councill" concerning an appeal from Jersey.[58] A little later William in council at Kensington referred a petition "to the Lords of the Committee of the whole Councill to consider of the matter." [59] On another occasion four of the council "At a Committee of the whole Councill", considered a complaint from Jersey about the sale of prize goods.[60]

[54] Add. MS. 34349, fo. 19.
[55] P. C. R., lxxvi, 23 January 1695-6.
[56] *Ibid.*, 19 November 1696.
[57] *Ibid.*, 10 December 1696.
[58] *Ibid.*, 25 February 1696-7.
[59] *Ibid.*, 18 March 1696-7.
[60] *Ibid.*, lxxvii, 21 December 1697.

In 1702, a representation coming from the lords commissioners of trade and plantations about acts of assembly passed in Barbados, Anne ordered it referred to " the Lords of a Committee of the whole Councill " to consider and report to the council.[61] The same day she ordered an act formerly passed in New York referred to " the Committee of the whole Councill." [62] Early next year a dispute about the right to the palls and canopies used at the late king's funeral was referred to " the Lords of the Committee of the whole Councill." [63] At a council in 1703 Anne ordered " That the Lords of the whole Councill be . . . appointed a Committee " to examine the proceedings of Vice Admiral Graydon.[64] Next year eight councillors were present " At the Committee of the whole Councill to consider of the Irish Bill against Popery." [65] Shortly after ten of the council were " At the Committee of the whole Councill, appointed to Consider the Complaint against Commadore Walker in the West Indies." [66] About the same time a communication concerning a combination of colliers at Newcastle to keep up the price of coal was referred by the queen to " a Committee of the whole Councill ".[67] In 1707 the queen in a council of ten ordered " a Committee of the whole Privy Councill " to meet and settle various affairs in connection with the Act of Union.[68] In 1713 matters relating to the pensioners of Chelsea College, to Alderney, to Jamaica, and to Guernsey, were dealt with " By the R^{t} Hono^{ble} the Lord's of the Committee of the whole Councill." [69] It is needless to multiply examples which might be given on and on.

The committee of the whole privy council as the normal committee of the council was formally recognized at the

[61] P. C. R., lxxix, 2 July 1702.
[62] *Ibid.*
[63] *Ibid.*, 7 January 1702-3.
[64] *Ibid.*, 25 November 1703.
[65] *Ibid.*, 5 January 1703-4.
[66] *Ibid.*, lxxx, 6 April 1704.
[67] *Ibid.*, 25 May 1704.
[68] *Ibid.*, lxxxi, 13 March 1706-7.
[69] *Ibid.*, lxxxiv, 27 June 1713.

beginning of the reign of George I and recognized again at the beginning of the reign of George II. During this period the business that was most regularly and continually referred to committees of the council was in respect of appeals from the plantations and in respect of Jersey and Guernsey. 29 September 1714 the privy council of the reign of Anne was dissolved and a new council constituted. Two days later it was ordered by George I in council at St. James's: [70]

> That the whole Privy Council or any Three or more of them be, and hereby are appointed a Com^tee for the Affairs of Jersey & Guernzey, Hearing of Appeals from the Plantations, & other Matters that shalbe referred to them, And that they proceed to hear and examine such Causes as have been Referred to Committees of the Council by Her late Ma^ty, And Report the same with their Opinion thereupon to this Boord.

In 1727 in a council of thirty-six in presence of George II at St. James's: [71]

> It is this day ordered by His Majesty in Council, That the whole Privy Council, or any three or more of them, Be, and they are hereby appointed a Committee for the Affairs of Jersey and Guernsey for hearing Appeals from the Plantations and for other Matters that shall be Referred to them.—And that they proceed to hear and Determine such Causes as have been referred to Committees of the Councill by His late Majesty, and Report the same with their Opinion thereupon to His Majesty at this Board.

Meanwhile, however, committees appear under names or are alluded to with such denomination that one might sometimes suppose committees of the council with limited membership were in existence or that many different

[70] *Ibid.*, lxxxv, 1 October 1714.

[71] *Ibid.*, xc, 5 July 1727.

committees were being appointed, though for the most part collateral evidence shows them to be committees of the whole council. In 1697 William referred a petition to the "Right Honōble the Lords of the Committee appointed to heare Appeals from the Plantations." [72] In the preceding December "all the Lords of the Councill" had been appointed to deal with this business. About the same time the king referred a petition "to the Right Honōble the Lords of the Committee of Councill", which on the face of it might refer either to the committee of the whole privy council or the lords of the committee whom men were calling also the cabinet council.[73] A little later "At a Committee of the Lords of the Councill", "The Lords of the Committee", five being present, considered the case of Mr. Brenton of New England, the transporting of prisoners of war, and other matters. From the phraseology it would be impossible to ascertain the nature of this committee, though from the prevailing procedure at the time that might be conjectured. Three weeks later, however, eighteen lords of the privy council held a council at Whitehall. After certain reports had been read and approved, the same councillors sat "At the Committee of the Lords of His Ma^{tys} most Hono^{ble} Privy Councill", where "The Lords of the Committee" considered the transporting of prisoners and adopted with respect to Mr. Brenton "A Report from the Lords of the Committee of the whole Councill." [74] In 1699 a letter from the earl of Macclesfield about the Association was referred by the king in council to "the R^{t} Hono^{ble} the Lords of the Committee of the Councill".[75] In 1700 seven members of the council prepared a report "At the Committee of the Privy Councill appointed to Inspect the

[72] P. C. R., lxxvi, 15 April 1697.
[73] *Ibid.*, 22 April 1697.
[74] *Ibid.*, lxxvii, 5, 27 May 1697.
[75] *Ibid.*, 25 May 1699.

Lists of Justices of the Peace &c". Four days previously William in a council of twenty-four had ordered that "the Lords of the Privy Council be . . . a Committee, to Inspect the Lists of the Justices of the Peace and Deputy Lieutenants, of the severall counties of this Kingdome and Wales." [76] A little later four of the council were "At the Committee of the Councill for Hearing of Appeals from the Plantations, Jersey, Guernsey &c." [77] In 1702 five members of council were "At the Committee of the whole Councill to Consider of Barbado's Lawes, And for the Affaires of Jersey and Guernsey." [78] In 1703 on order from the privy council certain papers were prepared by the board of trade to be laid before "the Committee of Council." [79]

In numerous cases such ambiguity as nomenclature may leave is resolved by context or by information in some other place, and the committees with their various names and duties are seen, almost all of them, to be committees of the whole council, or more exactly, the committee of the whole council under various names attending to various duties. Confusion, however, at once reappears, when during this period there are also numerous references to the lords of the committee or to the committee of the council, which further information shows, in some instances to be used of a group of councillors smaller than the committee of the whole council, and much more powerful and active—"the committee", which was another name or another aspect of the cabinet council. In many instances the name alone does not make it possible to decide whether one or the other is meant.

In the earlier part of the reign of Anne, for example, the correspondence of the earl of Nottingham, secretary

[76] *Ibid.*, lxxviii, 25, 29 April 1700.
[77] *Ibid.*, 22 May 1700.
[78] *Ibid.*, lxxix, 6 July 1702.
[79] C. O. 391, xvi, 29 November 1703.

of state, is full of allusions to the lords of the committee and to the committee of council. Writing to a certain one in 1704 he says: "I have this morning read the Examination taken by my L^d^ Ch: Justice Holt to the Com^tee^ of the Queens Council." [80] In 1708 the earl of Sunderland, secretary of state, wrote to Mr. Justice Powell, directing him to be present "at the Committee of Councill" to be held the next Sunday evening at Kensington, where he was to give the queen and "the Lords" an account of certain outlawry proceedings in the court of queen's bench.[81] Here the presence of the queen, to a less extent the time of meeting, and least of all the place, cause well-grounded suspicions that this was no committee of the whole council. In 1711 Bolingbroke wrote to Marlborough: "The Committee of Council which sits at the War-office, is in a declining state, and will, I believe, very soon expire. This account I hear from thence, for I have not been there myself a considerable time." [82] The structure of this committee has not been discovered by the author.

In 1724 a meeting of twelve of the important members of the privy council inspected the accounts of masters of the rolls brought in by the lord chancellor. The paper is endorsed merely "Minutes". The report is addressed "To the Right Honble the Lords of the Committee of His Majesty's Most Honble Privy Council". The presence at this meeting of the lord chancellor, the lord president, the lord steward, the duke of Devonshire, Lord Harcourt, Lord Cadogan, Lord Townshend, Sir Robert Walpole, and the duke of Newcastle would make it very probable that this was a meeting of "the committee" or the cabinet ministers in private meeting. The presence of Lord Chief Justice Pratt, the speaker of the house of commons, and the master of the rolls, makes it more probable,

[80] S. P. D., Entry Books, civ, 6 March 1703-4.
[81] *Ibid.*, cvi, 25 May 1708.
[82] Letter of 8 June 1711: Bolingbroke, *Letters*, i. 238.

though not entirely so, that the meeting was of the committee of the whole privy council. And so without additional testimony must the matter remain.[83] In 1739 Sir John Norris, one of the vice admirals, wrote in his journal: "This Evening the Commite of Counsell met when the Duke of Newcastle proposed,—it ware proper,—to advise his Magesty to make a declaration of warr,—which was resoned upon,—but considering thair was but seuen lords present,—it was deferd to a fuller meteing and the Duke was to desire the other Lords to be present."[84] Whether this was a meeting of the cabinet—which was the committee of foreign affairs in origin and in law, though that name was seldom used by this time, a private meeting of cabinet ministers, or a committee of the whole privy council must remain uncertain. It may be that Sir Robert Walpole was here using the less powerful committee of the council rather than "the committee" or cabinet as a scheme to postpone something that he wished to avert.

Various instances abound. In 1705 "It was . . . Ordered by a Committee of the Lords of Her Ma^{tys} most Hono^{ble} Privy Councill" that several Irish bills should be referred to the attorney general and the solicitor general.[85] In 1707 Anne in a council of twenty-six referred the matter of a dispute that concerned the earl marshal, the lord great chamberlain, and the lord chamberlain to "a Committee of Her Ma^{tys} most Hono^{ble} Privy Councill". No members were named. At the first meeting nine of the council were present.[86] In 1710 a complaint against the governor of the Leeward Islands was referred to "the Lords of the Com^{tee} of the Council".[87] In 1712 an ad-

[83] S. P. D., George I, liii, 10 November 1724; liv, December 1724.
[84] Add. MS. 28132, 2 October 1739. [85] P. C. R., lxxx, 20 April 1705.
[86] *Ibid.*, lxxxi, 29 April, 12 May 1707.
[87] *Ibid.*, lxxxiii, 13 December 1710.

dress of the clergy of Pennsylvania was referred by Anne in council to "the Lords of the Committee of the Privy Council".[88] In 1713 a meeting of "the Lords of the Committee", attended by six of the most important members of the council, referred various Irish bills to the attorney general and the solicitor general.[89] Next year the earl of Stanhope, secretary of state, wrote to the lord treasurer that George I having commanded that the office of Lord Bolingbroke, which was sealed up, should be opened in the presence of the lords who affixed their seals to it, "I am commanded by the Lords of the Committee to signifie the same to your Grace."[90] In 1716 the king ordered certain reports referred to "the Lords of the Committee of his Majestys Privy Councill". The summary in the margin of the register is "Three Reports from the Lords of Trade Ref^{d} to a Committee."[91] Knowledge of the usual procedure at this time would make it fairly certain that the committee here given was the committee of the whole council. Actually, a few weeks later the three reports were dealt with "By the Lords of the Comittee for hearing Appeals and for the Affairs of Jersey & Guernsey".[92]

So prevalent now was the custom of employing the committee of the whole council that one cannot be certain even when occasionally a select committee of limited membership is appointed that it remains limited in its personnel. In April 1716 Irish bills were referred to a "Select Comittee", consisting of eleven members. At a meeting a few days later six were present: "the Lords of the Committee appointed to Consider the Bills transmitted from Ireland." A week later business was

[88] P. C. R., lxxxiv, 24 November 1712. [89] *Ibid.*, 30 September 1713.
[90] S. P. D., Entry Books, cxvii, 28 September 1714.
[91] P. C. R., lxxxv, 12 January 1715-16.
[92] *Ibid.*, 23 February 1715-16.

done by six at a meeting of "the Lords of the Comittee for the Irish Bills: And for the Affairs of Jersey & Guernsey." A month after this and it was a meeting of "the Lords of the Committee for the Irish Bills, and other Affairs."[93] At a later meeting of "the R^t Hono^ble the Lords of the Committee for the Irish Bills" business concerning Ireland, Guernsey and Jersey was dealt with.[94]

So in 1721 nineteen members of the council were appointed by George I to be "a Committee to Examine the Bills Transmitted from Ireland". Some days later seven of the council met as "the Lords of the Committee Appointed to Consider the Irish Bills" and a little later six assembled as a similar committee. But on this second occasion "Their Lordships afterwards Sate as a Committee for the Affairs of Jersey and Gurnzey & Dispatched the following Business": concerning Jersey. Later that same day the members who composed the committee at this meeting sat as a privy council and released specified ships from quarantine.[95] On another occasion about this time the king in a council of thirty-two referred a report from the board of trade together with their draft of a commission for a certain one to be governor of Barbados to "the Lords of the Committee for Plantation Affairs". Three days later "the Lords of the Committee Appointed to Consider of the Irish Bills &c^a" dealt with Irish bills and then dealt with the report from the lords commissioners of trade and plantations and the commission for the proposed governor of Barbados.[96]

In 1727 a select committee of eighteen was appointed to consider Irish bills. Shortly after "all the Lords and others" of the council were appointed a committee to consider preparations for the coronation. Three days

[93] *Ibid.*, 6, 17, 25 April, 27 May 1716.
[94] *Ibid.*, 31 May 1716.
[95] *Ibid.*, lxxxvii, 11, 21, 23 November 1721.
[96] *Ibid.*, 14, 17 December 1721.

after this second appointment "the Lords of the Committee for their Majestys Coronation, and for the Irish Bills", nine being present, dealt with various matters relating to the coronation and made a report on five Irish public bills.[97] In 1728 a committee of eighteen was named for Irish legislation. A few weeks later there was a meeting of "the Committee of His Majestys Most Honourable Privy Council for the Irish Bills, and for Plantation Affairs". It dealt not merely with Irish bills, with Barbados and Carolina, but with a new charter for the York Buildings Company. Shortly after there was a meeting of "a Committee . . . for the Irish Bills and for the Affairs of Carolina".[98]

In 1724 papers relating to Wood's half pence were referred to "a Committee of the Lords of His Majestys Most Honourable Privy Councill".[99] In 1729 a "List of Business for the Council" included "Six Reports from the Lords of the Committee of Council".[100] In 1734 Lord Harrington, secretary of state, writes: "I received some time since the honour of your Grace's Letter, with the Mem^{l} inclosed relating to the demolition of a Turnpike in Herefordshire, which I immediately laid before the King, who was pleased to referr the Consideration of it to a Comm^{ee} of Council."[101] This matter was referred to "a Committee of the Lords" of the council. A few days later "the Lords of the Committee of Council for hearing Appeales from the Plantations" reported upon it: a proclamation should be issued for apprehending those who destroyed turnpikes.[102]

During the eighteenth century, when the idea of the committee of the whole council was well established, such

[97] P. C. R., xc, 29 July, 5, 8 August 1727.
[98] *Ibid.*, 15 February, 7, 19 March 1727-8.
[99] *Ibid.*, lxxxviii, 4 July 1724.
[100] S. P. D., Various, i, 19 August 1729.
[101] Letter to the duke of Chandos: S. P. D., Entry Books, cxxii, 13 July 1734.
[102] P. C. R., xcii, 11, 16 July 1734.

committees were appointed in great numbers for particular purposes, or else particular business was merely referred to a committee of all the lords of the council. Various titles occur, designating, apparently, what was to be considered by the committee, or in cases where a variety of business was dealt with, what was principally to be considered, or what was first considered, or—it may be—what most attracted the attention of him who wrote the minutes. While the nature of some of the committees cannot be exactly ascertained, and while in some cases only the appearance of additional information serves to determine the nature and structure exactly, yet generally speaking in this period it may be understood that all of these committees, whatever their names, are aspects or examples of the one committee of the whole council or else that they are all of them committees of the whole privy council, the two ideas being equivalent as time goes on. In many instances the title of the committee leaves no further room for speculation.

In 1704 a report was read in the privy council from "the Lords of the Committee of the whole Councill for hearing Appeals from the Plantations".[103] About the same time there was a "Committee of the whole Councill appointed to consider the Irish Bill for Registring the Popish Clergy."[104] A little later there was a meeting of "a Committee of the whole Councill for Enquireing into the Ill Practices for Raising the Price of Coales. and to consider the Draught of a Charter for Importing Navall Stores from the Plantations", also another of "the Committee for Enquireing into the Practices for Raising the Price of Coales, and for the Affaires of Jersey and Guernsey".[105] In 1705 there was a meeting of "the Committee for Examining into the Bills Transmitted from Ireland,

[103] *Ibid.*, lxxx, 20 January 1703-4.
[104] *Ibid.*, 24 January 1703-4.
[105] *Ibid.*, 17, 20 June 1704

And for the Affaires of Jersey & Guernsey ".[106] In 1707 there was a " Committee for Examining Witnesses, about the Dispute between Ld Great Chamberlain &c And for considering the Irish Bills ".[107] Three years later: " the Lords of the Committee, touching the Ship Cathrine Condemned in Scotland. & for Jersey & Guernsey ".[108] In 1711 " The Right Hono^{ble} the Lords of the Councill Mett in a Comittee to Consider Mr Attorneys Reports on Irish Bills " were twelve of the members of the council.[109] Next year there was a meeting of " the R^{t} Hono^{ble} the Lords of the Committee of the whole Councill ".[110] A year later twenty-three were present at a meeting of " the R^{t} Honble the Lords of the Committee of the whole Council for hearing the matter of the Pet^{n} of Eliz^{a} Dutchess of Hamilton &c."[111] In 1714 a meeting of " the Lords of Her Majesty's Most Honble Privy Council in a Committee of the whole Council ".[112]

In 1718 there was a meeting of " the R^{t} Hono^{ble} the Lords of the Comittee for hearing Appeales Complaints &c ".[113] In 1721 " a Committee of the Lords of His Majestys Most Honble Privy Councill ".[114] In 1725 " the Lords of the Comittee for the Irish Bills, And for Hearing Appeals from the Plantations, Jersey and Guernzey ".[115] In 1740 " the Right Honourable the Lords of the Committee of Council for hearing Appeales from the Plantations and other Business ".[116] In 1750 an order came to the board of trade from " the Lords of the Committee of Council for Plantation Affairs ".[117]

[106] P. C. R., lxxx, 30 April 1705.
[107] *Ibid.*, lxxxi, 14 May 1707.
[108] *Ibid.*, lxxxii, 13 May 1710.
[109] *Ibid.*, lxxxiii, 13 September 1711.
[110] *Ibid.*, 3 January 1711-12.
[111] *Ibid.*, lxxxiv, 8 July 1713.
[112] *Ibid.*, 20 March 1713-14.
[113] *Ibid.*, lxxxvi, 10 March 1717-18.
[114] *Ibid.*, lxxxvii, 5 June 1721.
[115] *Ibid.*, lxxxix, 20 November 1725.
[116] *Ibid.*, xcvi, 11 November 1740.
[117] C. O. 391, lvii, 29 November 1750.

The committee of all the lords of the council or of the whole council, which in the Restoration period was the exception, had half a century later come to be the normal and prevailing form of committee organization. After the accession of George I limited committees of the council were unusual, and in the succeeding reign there was practically no committee of the privy council that was not a committee of the whole privy council. At the first meeting of the council after the death of Anne, at which fifteen were present, it was ordered by the lord justices in council that thirteen of the principal members of the council "and any other Lords of the Councill that will be present" be a committee to consider the wills of the late queen, and matters that concerned the mourning and the funeral.[118] A few weeks later all but one of the thirteen were again specifically named "and any other Lord's of the Council that will be present" to be a committee to consider of the manner of the coronation.[119] Here were instances of a partial survival of the old practice of appointing limited committees of certain members of the council—which yet immediately merged into the prevailing practice of making council committees to be committees of the whole council. In 1715 George I ordered in council:[120]

> That all Petitions Presented and Depending before this Board be . . . referr'd to the Right Hono^{ble} the Lords of the Committee of the whole Councill to Examine the Same and Give Such Directions thereupon as their Lordships Shall judge Proper.

Some months later the king ordered:[121]

> That all Reports, Petitions and other papers now Depending at this Board be referred to the Right Hono^{ble} the Lords of the Comittee of the Whole

[118] P. C. R., lxxxv, 3 August 1714.
[119] *Ibid.*, 30 August 1714.
[120] *Ibid.*, 23 February 1714-15.
[121] *Ibid.*, 23 September 1715.

Councill to Examine the Same and Give Such directions thereupon as their Lordships Shall Judge proper.

By 1721 and 1722 there is in the register of the council an increasing number of minutes of committees of the whole council that consider particular matters—complaints, representations, petitions, where previously such matters had been referred by the council to quasi standing committees of the whole council like the committee for Jersey and Guernsey and the committee for hearing appeals from the plantations.[122] In 1724, 1725, 1726, and 1727 minutes still occur of meetings of the committee of Jersey and Guernsey. There is a greater number of minutes of meetings of the committee for appeals from the plantations or of the committee for plantation affairs. More usually still, however, matters once dealt with in the privy council or in standing or special committees are now handled by committees of the whole council designated simply as "the committee" or "a committee".[123] In 1725 George I in council ordered that thirteen members of the council, "together with such other of the Lords of the Council as are in Town, or any three of them", should be a committee to examine bills transmitted from Ireland.[124] Seven members came to the first meeting of this committee.[125]

In 1727, as had been the case in 1714, the committee of appeals from the plantations and the committee of Jersey and Guernsey were specifically appointed to be committees of the whole council, but this now signified little, for they were merged together and merged with other committees as the one committee of all the lords of the council.[126] Two months later the king dissolved the privy council of the preceding reign and at once constituted a new one. Then "all the Lords and others of His

[122] P. C. R., lxxxvii.
[123] *Ibid.*, lxxxviii, lxxxix.
[124] *Ibid.*, lxxxix, 18 November 1725.
[125] *Ibid.*, 20 November 1725.
[126] *Ibid.*, lxxxv, 1 October 1714; xc, 5 July 1727.

majestys most Honourable Privy Councill or any three of them" were appointed a committee to arrange for the coronation; and "the whole Privy Council or any three of them" were appointed "A Committee for the Affairs of Jersey and Guernsey, Hearing of Appeals from the Plantations and other Matters that shall be Referred to them."[127] These lords were ordered to "proceed to Hear and Examine such Causes as have been already Referred to Committees of the Council", and report the same to the king in council.[128] At the same time "all the lords and others" of the privy council, or any three of them, were appointed "to be Commissioners for Receiving Hearing and Determining of Appeals from any Sentences already made, or that shall hereafter be made in the Cases of Prizes, either in the Courts of Admiralty of Great Britain, or in the Plantations in America."[129] In 1737 it was ordered in a council of twenty-four at Whitehall "that the Lords of the Council Present together with such others of His Majestys most Honourable Privy Council as shall Attend, or any three of them Be appointed a Committee for Her late Majestys Funeral."[130] In 1751 in a council of thirty-two held at Whitehall a similar committee was appointed for the funeral of Frederick, prince of Wales.[131] At the first meeting of this committee twenty-four of the council were present.[132]

The appointment of select or limited committees came to be so occasional as merely to establish more strikingly the general rule. Members not appointed to limited committees were present at them none the less, and groups appointed as limited committees freely attended to one another's work. In March 1702 the earl of Romney, not mentioned in the list of those appointed to be a committee

[127] *Ibid.*, xc, 20 September 1727.
[128] *Ibid.*
[129] *Ibid.*
[130] *Ibid.*, xciv, 22 November 1737.
[131] *Ibid.*, cii, 22 March 1750-1.
[132] *Ibid.*, 27 March 1751.

for Anne's coronation, was in the list of those who attended.[133] About this time also was appointed the committee for William's funeral made up substantially of those who composed the committee for Anne's coronation. At a meeting of the coronation committee business relating the funeral was transacted.[134] The limited committees appointed from time to time to examine the bills transmitted from Ireland quickly became committees of all the members of the privy council and attended to other business than that for which they had been appointed.

In 1738 in the council chamber at Whitehall there was a meeting of six: "a Committee of the Lords of His Majestys most Honourable Privy Council". The lords of this committee considered several papers depending before them about establishing civil government at Gibraltar, "and are hereby Pleased to Referr the further consideration thereof to all the Lords Present . . . And Likewise to Mr. Speaker and Sr. Wm. Yonge who are desired to lay their thoughts thereupon before this Committee."[135] This might seem to indicate several things: that the larger size and fluctuating membership of the committee of the whole council were easily apparent to the members thereof; that the committee of the council was here referring certain business to a sub-committee of itself; that so was made a particular or limited committee—the marginal endorsement in the register is: "Particular Committee". In 1758 there was a meeting of "a Committee of the Lords of His Majestys most Honourable Privy Council appointed to consider the Irish Bills", at which six were present. "Afterwards their Lordships sat as a Council and dispatcht the following Business",[136] a formula that frequently follows.

[133] P. C. R., lxxix, 28 March 1702.
[134] *Ibid.*
[135] *Ibid.*, xciv, 3 August 1738.
[136] *Ibid.*, cvi, 20 March 1758.

Meanwhile metamorphosis of a committee into a privy council, and even of a council into a committee had become increasingly frequent as the eighteenth century went on. In 1721 "the Right Honble the Lords of the Committee for the Affairs of Jersey, Guernsey, and the Plantations, &c^{a}", six members being present, dealt in a preliminary way with a matter concerning Jersey, the granting of a patent in England, the seizure of a ship in Barbados, and the boundary between Rhode Island and Connecticut. Underneath, in the record, is written: "Their Lord^{ps} Sitting afterwards as a Councill, Dispatch't the following Business"—discharging of certain ships from quarantine.[137] In 1733 in the council chamber at Whitehall, in a council of eight, the king not present—unusual at council meetings by that time—the governor of Guernsey took his oath of office. The same members then sitting in the same place as "a Committee" prepared a report on a Massachusetts matter.[138] In 1740 "the Right Honble the Lords of the Committee of Council appointed to Consider the Irish Bills" examined an Irish bill for disarming papists. "After which their Lordships sat as a Council", and issued an order about the embargo.[139]

In 1744 a privy council in the council chamber at Whitehall, present the lord president, the earl of Fitzwalter, the earl of Bath, Lord Carteret, the first commissioner of the treasury and chancellor of the exchequer—Henry Pelham, and Sir John Rushout, referred to "a Committee of the Lords of His Majestys most Honourable Privy Council" a communication from the commissioners of the admiralty about the proceedings of commanders of privateers. The same day in the same place the same six members of the council sitting as "a Committee of

[137] *Ibid.*, lxxxvii, 20 February 1720-1.
[138] *Ibid.*, xcii, 15 February 1732-3.
[139] *Ibid.*, xcv, 4 March 1739-40.

the Lords of His Majestys most Honourable Privy Council", dealt with various matters.[140] This illustrates the facility with which a council changed itself into a committee, now that committees of the council were committees of the whole council. It may also illustrate a situation in which the custom of doing certain council business in committees was by this time so strong that a privy council would become a committee in order that such business be done. In 1746 a council of six of the important members of the privy council released ships from the embargo, referred to the commissioners of the treasury several petitions relating to the embargo, and referred a petition to the commissioners of the admiralty. "Afterwards their Lordships sat as a Committee and Dispatcht the following Business"—a committee report recommending the grant of a supply of stores for the defence of Southwold and for defence of a place in Yorkshire.[141]

In 1746, 1747, 1748 there were frequent instances of the lords sitting as a committee and afterwards as a privy council or sitting as a council and then holding a committee. The change apparently took place when those present desired to proceed to business different from that with which the meeting was begun, since prevailing custom prescribed that business of one kind should be treated in council and that of another in committee of the council but not either kind in council or committee.[142] During that time matters were frequently referred from council and then considered by those members who had just done the referring in council.

In 1753 there was a meeting of "the Right Honourable the Lords of the Committee of Council Appointed to consider the Irish Bills". Afterwards they sat as a council and settled matters having to do with the quarantine.[143]

[140] P. C. R., xcviii, 13 October 1744.
[141] *Ibid.*, xcix, 6 January 1745-6.
[142] *Ibid.*, c.
[143] *Ibid.*, ciii, 27 November 1753.

In 1757 " a Committee of the Lords of His Majestys most Honourable Privy Council ", six present, referred to the board of trade an account of trade, and to the attorney general and the solicitor general a petition of the burgesses of Colchester praying for renewal of their charter. By the king in council these matters had already been referred to the committee of the council. Then the committee sat as a council and issued an order permitting guns to be exported to New York.[144] A little later the committee of the council appointed to consider Irish bills, by this time actually a committee of the whole council, in a meeting at which three were present, dealt with Irish bills and some business concerning South Carolina. Nothing is said in the register about the committee then sitting as a privy council. None the less, according to the register, the three members present proceeded to issue orders in council allowing gunpowder to be carried to certain places.[145] During 1758 and 1759 change from council into committee and from committee into council continued to be frequent.[146] In 1766 nine of the privy council proposed to establish a quarantine; afterwards they sat as a " Committee " to deal with business about the Isle of Man, trade, and various plantations.[147] Next year eight sitting as lords of the committee " for hearing Appeals from the Plantations &c[a] " did much business concerning the plantations, Jersey, and the Isle of Man, after which they sat as " a Council " and acted with respect to the quarantine.[148] In 1773 six lords of the committee for plantation affairs sat for plantation business and to make a report about the quarantine. Then they sat as " a Council " to dispatch warrants and business relating to the quarantine.[149] A year later eight members sat as a committee for

[144] *Ibid.*, cv, 3 November 1757.
[145] *Ibid.*, 24 November 1757.
[146] *Ibid.*, cvi.
[147] *Ibid.*, cxii, 6 September 1766.
[148] *Ibid.*, 10 June 1767.
[149] *Ibid.*, cxvii, 2 March 1773.

the affairs of Jersey and Guernsey to deal with business about those islands; afterwards as a privy council for quarantine matters.[150]

During these years and later the committee for Irish bills, though so repeatedly appointed as a limited committee, not only dealt with plantation business and other matters that had been referred in council to the committee of the whole council, but the committee spoken of as for Irish bills often acted itself as a privy council, and frequently it did this without any recorded notice that it was sitting as a privy council.[151] By the time of George III, it may be, the facility of metamorphosis from council to committee of the whole council and from committee of the council into council may have been such that the process or the event no longer always seemed worthy of note to the clerk who kept the record of the council. By that time, save that formal procedure and custom required first consideration and referring and then final approbation to be in council and not in committee there was often little difference between privy council and council sitting as a committee of all its own members. For the most part then a small number of the members of the council usually attended to all ordinary council business, and those members acted either as a council or as a committee with no more ceremony than a mere notice that they were sitting as the one or the other; and such distinction was not always considered essential. In 1779 seven councillors sitting as " the Lords of the Committee of Council for the Affairs of Jersey and Guernsey " transacted business concerning Jersey, Georgia, and Africa; then with no notice of change the register refers to them as " the Board " and notes such council business as releasing ships from embargo, dispatching military stores, dealing with quaran-

[150] P. C. R., cxvii, 19 April 1774.
[151] *Ibid.*, cvi, cvii.

tine, and dealing with appeals from Guernsey.[152] Four years later " the Lords of the Committee of Council for Plantation Affairs ", six present, took up business of Newfoundland and Nova Scotia; with no notice of change from committee the register goes on to say " The usual Order was this Day issued " about discharging a ship from quarantine.[153]

[152] *Ibid.*, cxxiv, 2 December 1779. [153] *Ibid.*, cxxviii, 15 May 1783.

CHAPTER XXIX

PROCEDURE AND WORK OF THE COMMITTEE OF THE WHOLE PRIVY COUNCIL

DURING the earlier part of the seventeenth century much of the executive and administrative work of the government of England was done in the privy council, and such work was done by the council itself. As time went on many of the preliminary and less important tasks were given into the charge of parts or committees of the council—some temporary, other standing committees. Gradually the larger part of council activity was transferred from the council to these parts of itself.

In the latter part of the seventeenth century committee organization was fundamentally altered as the result of a gradual development. In course of time the important standing committees which had been parts or sections of the privy council, disappeared and were not re-established. During the same time also the less important temporary committees of the council were less and less frequently named as parts of the council. Instead of the older arrangement, committees of the council that were committees of all the members of the council were appointed to deal with particular matters, and the older standing committees that survived were made committees of the whole council also. Many of these committees of the whole privy council had various names, and under those names they dealt with business of particular kinds.

During the eighteenth century the various committees of the whole council showed increasing tendency to merge or coalesce. Such explanation, however, describes the superficial aspects of the situation. Rather it would

seem that the privy council, which had by that time lost so much of its former power and given over so much of the business it once had done, did most of what it still did in committee, and this committee, practically now the one committee of the privy council, was a committee of all the members of the council, or a committee of the whole council.

Of the organization and structure of this committee and of its proceedure little needs to be said, when the fundamental idea underlying its organization—often difficult and elusive enough, is once grasped, for in other respects the committee of the whole council worked much as had other committees of the council.

The committee of the whole council met usually in the privy council chamber in Whitehall. The many instances of this leave little doubt that the council chamber was the customary place of assembling.[1] Such was the case also with the privy council during the same time. As the council often met also at the various residences of the king, so, less frequently, did the committee of the council. In 1702 there was a committee of the whole council and for the affairs of Jersey and Guernsey "At the Councill Chamber St James's".[2]

Apparently there were no regular days of meeting for committees of the whole council, though it is very possible that for a time the regular committee days appointed for standing committees of the council were continued when those standing limited committees became committees of the whole council. Generally, however, it would seem that as all committees merged together into the committee of all the lords of the council, the members met in committee as they pleased or when they found it con-

[1] "At the Councill Chamber in Whitehall": P. C. R., lxxvi, 4 February 1696-7; lxxvi, lxxvii, *passim;* "At the Councill Chamber, Whitehall": *ibid.*, lxxx, 20 April 1705.

[2] *Ibid.*, lxxix, 9 July 1702.

venient to do so. In 1714 the committee acting on petition for redress concerning a Swede said to have been tortured to death on board one of her majesty's ships, the lords of the committee required from the captain of the ship an answer in writing, "and that the said Capt fails not Attending their Lopps at the next Meeting of this Comittee".[3]

Evidently time of the next meeting was often arranged before a committee broke up; and committees were summoned to assemble when a sitting seemed to be needed. In 1716 at a meeting of the committee for the affairs of Jersey and Guernsey in the council chamber at Whitehall, "The next Committee Appointed to Meet the 12th of this inst December 1716".[4] Two years later "the Lords of the Comittee for hearing Appeales Complaints &c" having perused a petition required that an answer to the matter it contained be given to the committee "on Monday Morning".[5] Somewhat later the earl of Stanhope, secretary of state, wrote to the archbishop of Canterbury:[6]

> A Committee of the Lords of the Council being appointed to meet at the Cockpit to morrow at ten in the morning, chiefly to consider of what Your Grace was pleased to mention lately to My Lord Sunderland; I give you this particular notice of it, in hopes that we may have the honour of Your Grace's presence there.

In 1720 there was "a Committee Appointed to Meet this Evening in the Councill Chamber at Seven of the Clock".[7]

Sometimes when a committee of the whole council was appointed to deal with a matter the time when it should meet for the business was designated by the privy coun-

[3] P. C. R., lxxxiv, 14 January 1713-14.
[4] *Ibid.*, lxxxv, 4 December 1716. [5] *Ibid.*, lxxxvi, 10 March 1717-18.
[6] S. P. D., Entry Books, cxx, 29 December 1718.
[7] P. C. R., lxxxvi, 23 August 1720.

cil.[8] In 1730 one of the clerks of the council gave to the messengers attendant the order: [9]

> Waite on the Lords of His Majestys Most Honourable Privy Councill with Notice that a Committee of their Lordships is appointed to meet in the Councill Chamber at the Cockpit Whitehall on Saturday the fourth of this Instant July 1730 at eleven of the Clock in the forenoon.

Meetings of the committee of the whole privy council often took place. As time went on they were held more frequently than meetings of the council. As the committee of the whole council tended to supersede other forms of committee organization minutes of the meetings of the committee were embodied in the council register. Whether the minutes of all such committee meetings are there one cannot say, though for the period after 1714 the presumption becomes increasingly strong that they are. From these minutes some idea can be obtained of the frequency of meetings of the committee of the whole council. In 1718 there seem to have been twenty-two meetings of the committee under various names—the committee of Jersey and Guernsey, the committee of appeals from the plantations, the committee of appeals and complaints, and others such.[10] In 1723 twenty-one meetings were recorded in the register.[11] In 1728 there were thirty-two meetings.[12] In 1731 forty meetings.[13] In 1733 twenty-two.[14] In 1753 there were twenty-five meetings.[15] In 1718 there were two meetings in January, one in February, five in March, one in April, one in May, one in June, three in July, four in August, two in November, two in December. In

[8] *Ibid.*, lxxxviii, 4 July 1724; xc, 5 August 1727.
[9] S. P. D., Various, i, 4 July 1730.
[10] P. C. R., lxxxvi.
[11] *Ibid.*, lxxxviii.
[12] *Ibid.*, xc.
[13] *Ibid.*, xci.
[14] *Ibid.*, xcii.
[15] *Ibid.*, ciii.

1731 there were four meetings in January, four in February, five in March, seven in April, four in May, one in June, four in July, two in August, one in October, three in November, five in December. On the whole the meetings seem to have been held from once a fortnight on the average to once a week, sometimes more frequently still.

Theoretically the membership of the committee was the membership of the council, but actually many council members never came to committees of the whole council. In 1718, when the number in the privy council was about seventy, nineteen different members of the council attended at one or other of the twenty-two meetings of the committee. Twelve of them came three times or less; seven only once. The bishop of London, one of the lord chief justices, the master of the rolls, and the vice chamberlain of the household were the nucleus.[16] In 1723, when there were some sixty-two members, thirty-three different members of the council attended some of the twenty-one meetings of the committee of the whole council recorded in the register. Twenty-one members came three times or less. Those present most often were the lord president, the master of the rolls, the bishop of London, the earl of Westmoreland—who was president of the board of trade, and the earl of Portmore.[17] In 1728, when the council contained about sixty-five members, thirty-five different members came at times to the thirty-two meetings. Sixteen members came three times or less; nineteen less than six times; twenty-two less than eight times. Those who attended most frequently were the lord president, the lord privy seal, the two lord chief justices, the earls of Ilay and Findlater, Viscount Torrington, the bishop of London, and the earl of Westmoreland.[18] In 1731 when the council contained sixty-five

[16] P. C. R., lxxxvi.
[17] *Ibid.*, lxxxviii.
[18] *Ibid.*, xc.

members, thirty-six of them attended some of the forty meetings of the committee of the whole council held that year. Only one fourth of the meetings were attended by as many as eleven. Seventeen of the members came less than five times, and twenty-five came less than ten times. During this year the real nucleus and most effective part of the committee consisted of the lord president—who came thirty-nine times, Horatio Walpole—twenty-seven times, Lord Chief Justice Raymond—twenty-two times, the master of the rolls—seventeen times, Lord Chief Justice Eyre and the earl of Marchmont—who came sixteen times each, the earl of Ilay—fifteen times, the bishop of London—twelve times, the speaker of the house of commons—eleven times, Viscount Cobham and Sir William Strickland—ten times each.[19] In 1733, with sixty-one in the privy council, twenty-three members—or actually twenty-two, for Lord Chief Justice Hardwicke took the place of Lord Chief Justice Raymond—attended the twenty-two meetings. Sixteen of them came less than five times. For the most part the important members of the council, those who were of the cabinet, did not come. Probably they delegated their parts to Horatio Walpole and to the lord president, who were close in the councils of the ministers' inner group.[20] In 1753, with about sixty-three members in the privy council, twenty-seven of them attended the twenty-five meetings of the committee of the whole council.[21]

Generally, then, attendance at committees of the whole council was confined to a small group of the councillors, who devoted themselves to this work, while a larger number came to some of the various meetings held during the year. In the variety of instances to be observed over the course of some years it is difficult to establish further gen-

[19] *Ibid.*, xci.
[20] *Ibid.*, xcii.
[21] *Ibid.*, ciii.

eralizations. Most of the meetings were small, and there always tended to be a small group of members who attended with comparative regularity; but in the course of any period it could be observed that the nucleus was not exactly the same on different occasions when different kinds of business were solely considered. It is true that committees of the whole council often dealt with various kinds of business, but where any distinction was preserved and one particular kind of business attended to at some of the meetings with a different kind at others, there was some apparent tendency for the principal group of those who composed, for example, the committees for Jersey and Guernsey to be different from committees for appeals from the plantations, some members devoting themselves apparently to one sort of business more than another. Often, however, no such distinction can be detected.

On a certain day in 1705 the archbishop of Canterbury, the lord keeper, the lord president, the earl of Peterborough, and two secretaries of state were a committee on Irish bills. The same day in the same place a committee for Barbados and Jersey business consisted of the lord president, the earls of Northampton and Stamford, Lord Dartmouth, Lord Granville, and the comptroller of the household.[22] About the same time a meeting of the committee appointed to examine into the bills transmitted from Ireland was attended by the lord president, the bishop of London, Lord Dartmouth, Lord Coningsby, the chancellor of the exchequer, the comptroller, Lord Chief Justice Holt, Mr. Vernon, and Mr. Smith. On the same day, in the same place the same committee was composed of the archbishop, the lord treasurer, the lord president, the earls of Stamford and Scarborough, the bishop of London, Lord Coningsby, Mr. Boyle, the comptroller,

[22] P. C. R., lxxx, 20 April 1705.

Secretary Hedges, Lord Chief Justice Holt, and Mr. Vernon. In the first case they referred an Irish bill to the lord treasurer; in the second they considered a petition about an Irish bill and referred it to the attorney general and the solicitor general.[23] In 1710 a committee for the affairs of Jersey and Guernsey was attended by the lord president, the two lord chief justices, Sir Charles Hedges and Mr. Vernon. The next day there was a meeting of the lords appointed to consider bills from Ireland—appointed as a select or limited committee. Here were present the lord treasurer, the lord president, the lord chamberlain, the duke of Somerset, the earl of Anglesey, Lord Dartmouth—secretary of state, Secretary Boyle, the chancellor of the exchequer, and Lord Chief Justice Trevor. Two days later a meeting of the committee for hearing appeals from the plantations was attended by the lord president, Lord Chief Justice Parker, and Mr. Vernon.[24]

The attendance at meetings varied much. At what appears to have been a committee of examinations in 1679, but is referred to as "the Boord", fourteen were present.[25] A meeting of "the lords of the Com^tee for Examinations" next year was attended by eight.[26] Committees of the whole council, like other council committees, cannot always be recognized in the records. In 1694 there was a "Committee of Councill", attended by William and twelve, of which the minutes include: "Mrs. Hagan's Petition to be heard before the Councill next thursday". For the same day a meeting "Att the Court att Kensinton" is recorded in the register simply with the caption "Present The Kings most Excellent Matie" after which comes a blank space with no list of those present. The record says: "Upon reading this day at the Board the

[23] *Ibid.*, lxxx, 24 April 1705.
[24] *Ibid.*, lxxxiii, 11, 12, 14 July 1710.
[25] *Ibid.*, lxviii, 31 May 1679.
[26] *Ibid.*, 14 February 1679-80.

humble Peticon of Ellen hhagan widd . . . It is Ordered by his Maty that the matter of the said Petition be heard before his Maty in Councill on Thursday next".[27] In 1699 two were present at a committee for the affairs of Jersey and Guernsey. Four days later eight came to a committee for hearing appeals from the plantations.[28] In 1704 there were ten at a committee for enquiring into the raising of the price of coals and for Jersey and Guernsey, while eleven came to it a week later.[29] In December 1709 at a meeting of the "Comtee for the Affairs of Jersey & Guernzey, & hearing Appeals from the Plantations" four were present. Fourteen attended a meeting of "the same Committee" a few days later. Shortly after four of the council made a "Comtee for hearing Appeals from the Plantations, & for the Affairs of Jersey & Guernzey".[30] At a committee for hearing complaints against the late governor of Barbados in 1710 fifteen were present.[31] Three years later twenty were at a committee of the whole council which considered the petition of masters of ships of war and a matter relating to the army.[32]

In 1714 twelve made "a Committee of the whole Council".[33] In 1718 there were committees of three, four, five, six, eight.[34] In 1721 four were a committee for hearing appeals from the plantations, while two days later the same committee was attended by eight.[35] Next year seven "Lords of the Committee" settled upon a report after a hearing about the granting of a patent to make malleable iron with pit coal.[36] In 1723 fourteen members of the

[27] S. P. D., William and Mary, v, 1 April 1694; P. C. R., lxxv, 1 April 1694.
[28] P. C. R., lxxvii, 9, 13 December 1699.
[29] *Ibid.*, lxxx, 13, 19 July 1704.
[30] *Ibid.*, lxxxii, 6, 12, 15 December 1709.
[31] *Ibid.*, lxxxiii, 11 December 1710.
[32] *Ibid.*, lxxxiv, 29 June 1713.
[33] *Ibid.*, 20 March 1713-14.
[34] *Ibid.*, lxxxvi.
[35] *Ibid.*, lxxxvii., 10, 12 May 1721.
[36] *Ibid.*, 9 February 1721-2.

council meeting as "A Committee of the Lords" dealt with business concerning the Isle of Man, Minorca, and the Bahama Islands.[37] During that year there were also meetings of four, five, six, and more.[38] In 1726 eighteen, including some of the important members of the council, were present at a "Committee of the Lords" which dealt with various plantation matters.[39] A year later "the Committee for their Majestys Coronation, as also for Plantation Affairs" was attended by ten.[40] Other committees of the whole council that year had twenty and twenty-three present.[41] During 1728 the average attendance was about six, while meetings varied from three or four to nine, ten, or eleven.[42] In 1738 eleven made a committee of the whole council that dealt with plantations and outlying possessions.[43] In 1742 three met as a committee of the council for plantation affairs, and next day two of them and one other as a committee for Irish bills.[44] In 1758 seven attended a committee of the council for hearing appeals from the plantations.[45]

At these meetings of the committee of the whole privy council some of the important members of the council were often present. Many of the meetings had the lord president. In 1723 he was present at every meeting but one. In 1728 he came to fourteen out of the thirty-two meetings. During that year the lord privy seal came twenty-nine times. In 1731 the lord president come to all but one of the forty meetings. Two years later he came to every one of the twenty-two meetings of the year. In 1753 he came to all of the twenty-five meetings. On the whole the lord president attended meetings of the com-

[37] *Ibid.*, lxxxviii, 15 February 1722-3.
[38] *Ibid.*, lxxxviii.
[39] *Ibid.*, lxxxix, 23 February 1725-6.
[40] *Ibid.*, xc, 21 September 1727.
[41] *Ibid.*, 14, 18 September 1727.
[42] *Ibid.*, xc.
[43] *Ibid.*, xcv, 9 December 1738.
[44] *Ibid.*, xcvii, 14, 15 January 1741-2.
[45] *Ibid.*, cvi, 17 February 1758.

mittee of the council so regularly as often to make it seem that his presence was considered essential. By no means was this the case at the small groups which had been called " committees ", which came to be known rather as cabinets or meetings of ministers in private—forerunners of cabinet meetings apart from the king, gatherings to which in many cases no designation is given in the minutes that reveal their existence. During 1729, 1730, 1731, 1732, 1734, 1735, for example, at numerous meetings of members of the privy council, the most important ones at Sir Robert Walpole's house in Chelsea, some at the office of Lord Harrington—secretary of state—at Whitehall, others at Windsor, at Hampton Court, at Kensington, the lord president was absent more frequently than he was present.[46]

At times the most important ministers were present at meetings of the committee of the whole council, so that a list of those present gives the heading of some minutes the appearance of a cabinet meeting. In some cases only the nature of the business as revealed in the minutes or some outside allusion makes it possible to decide whether the meeting is of the committee of the whole council or of the cabinet. In 1732 a meeting of eight at Whitehall, of which the record has merely the endorsement " Min.", was attended by the lord president, the lord privy seal, the lord steward, the dukes of Dorset, Newcastle, and Grafton, Lord Godolphin, and Sir Robert Walpole. They deliberated about certain papers which it was thought desirable to seize.[47] This was probably a committee of the whole council, though one cannot be entirely

[46] S. P. D., Various, i, 11 June, 4 July, 11 August 1729, 9, 12, 17, 20, 26, 30 July, 11, 21 September, 16 November 1730, 25, 28 May, 11, 25, 28, 30 June 1731, 11 January 1731-2, 7 April, 12 June, 28 September, 10 October 1732, 21 August 1734, 12, 23 March 1734-5, 14 April, 25 June, 9, 24, 25 July, 14, 19, 25 August, 2, 4, 15, 22 September, 24 November, 4 December 1735.

[47] *Ibid.*, i, 12 June 1732.

certain. In 1737 a meeting at Whitehall, of which the record has the endorsement "Minutes.", was attended by the lord chancellor, the lord president, the lord chamberlain, the dukes of Richmond, Devonshire, Argyll, the earls of Pembroke and Ilay, Lord Harrington—secretary of state, Sir Charles Wager, and the duke of Newcastle—the other secretary of state—who probably took the minutes. Except in the case of minutes occurring in the council register, such attendance would ordinarily at this time indicate a cabinet meeting, but the business dealt with—an appeal from a sentence of court martial at Gibraltar—makes it more probable that this was a committee of the whole council.[48]

Generally, however, the cabinet ministers did not attend committees of the whole council. In 1723 the secretaries of state came to five and four meetings respectively out of the twenty-one meetings recorded in the register that year.[49] Of the thirty-two meetings in 1728 the earl of Ilay attended sixteen, the lord privy seal twenty-nine, the secretaries—Townshend and Newcastle—nine and eight respectively, Sir Robert Walpole—first commissioner of the treasury and chancellor of the exchequer, one meeting only.[50] In 1731 Newcastle and Harrington, the secretaries of state, came to seven and two meetings respectively out of the forty that year. Sir Robert Walpole came seven times, though his brother, Horatio, was present twenty-seven times.[51] In the following year Sir Robert Walpole came frequently to committees of the council, the business generally concerning the plantations.[52] In 1733 the important ministers for the most part were not present at committees of the council: the earl of Ilay came to seven of the twenty-two meetings; Sir Robert

[48] *Ibid.*, i, 12 May 1737.
[49] P. C. R., lxxxviii.
[50] *Ibid.*, xc.
[51] *Ibid.*, xci.
[52] *Ibid.*, xci, xcii.

Walpole came three times; neither of the secretaries was present once. Probably ministers of the cabinet considered themselves sufficiently represented at the committee of the whole council by the lord president, who came to every meeting, by Horatio Walpole, who attended thirteen times, and Sir Charles Wager—first commissioner of the admiralty, present twelve times.[53]

At sittings of the committee of the whole council, as at privy council, and at select committees of the council earlier, outsiders were on occasion present to give information or submit to investigation. In 1733 one of the clerks of the council wrote to a certain one: [54]

> A Committee of Council being Summoned to meet at the Cockpit on Thursday next the 21st of this Instant at Six of the Clock in the Evening to Consider of the Report of the Board of Trade relating to the Settling an Additional Salary on the Governor of the Leeward Islands, and of the Memorial of the Merchants against the said Report—I am Commanded by my Lord President to inform you of this and to desire you will acquaint the rest of the Petitioners with it.

For the committees of the seventeenth century usually minutes are not to be found. Of some of the principal standing committees, like the committee of foreign affairs or the committee of intelligence, there are for particular periods, journals of minutes fairly complete. For the most part, however, information about what was done at committees must be obtained from the minutes taken by some member present and afterwards scattered among various collections of public or private papers or else from contemporary diaries and correspondence. During the first half of the eighteenth century this condition was changed. As committees of the privy council became committees of

[53] P. C. R., xcii.

[54] W. Sharpe to John Yeamans: *ibid.*, 16 June 1733.

the whole council, and especially when the committee of the whole council in its various aspects largely supplanted the privy council in actual conduct of much council work, the minutes of the committee were more and more regularly included in the register of the privy council where during the earlier period as a rule nothing but minutes of the council had been written. Minutes of the committee of the whole council may also be found in different collections of correspondence—as in the Newcastle Papers, and in miscellaneous assortments of ministers' papers—such as the State Papers Domestic, Various. In 1730, for example, occur " Minutes. Com^{ee} of the Council " where the lords present considered an appeal to the privy council from the solicitor general.[55] Usually, however, the primary source for this period is the council register. There for a time such minutes are mostly of the committee for Jersey and Guernsey, the committee for hearing appeals from the plantations, or of other committees of the whole council with particular names. But as time goes on, most of the minutes of committees are of " a Committee of the Lords " or of " a Committee of the Lords of His Majestys Most Honourable Privy Councill ".

Much work was done by the committee of the whole council, but if it be remembered that activity of the privy council in actual preparation and handling of business had largely been given over to the committee of the whole privy council, nothing better illustrates the decline of the council in activity and importance than a study of what the committee of the whole council was accustomed to do. In the earlier part of the seventeenth century, when the privy council was the chief instrument in governing England, when almost all administrative and executive work of importance was done there, an enumeration of the tasks of the council would have included advising the

[55] S. P. D., Various, i, 18 August 1730.

crown, dealing with general matters of state, foreign affairs, legislation, judicial activity, finance, war, admiralty, and a great variety of business that concerned domestic affairs. A hundred years later, what with the emergence of the cabinet, the growth of departments, and the vastly increased power of the secretaries of state, most of this had been taken from the council entirely. The work of advising the crown and formulating policy was now done in the cabinet or in ministers' private meetings. Much of that was never brought to the privy council, and almost always what was brought came only for formal sanction which was seldom denied. The conduct of foreign affairs was retained by the king more than he retained any of his other powers, but otherwise foreign affairs were now under the cabinet and very largely in the hands of the secretaries of state. The secretaries also dealt with innumerable matters concerning domestic affairs that once the king had given to privy council. For the most part all things that concerned treasury, admiralty, ordnance and war supply were now dealt with effectively by boards of commissioners that in effect constituted subordinate councils—councils subordinate to the cabinet, however, rather than to the privy council, from which largely they stood aloof in independence. Parliament had taken legislation completely to itself, and the privy council now reviewed only the legislation of Ireland and the plantations. Judicial authority of the council in Great Britain had almost entirely disappeared, though it had been asserted more definitely over the outlying dominions. The vast number of petitions that once had come to the king to be turned over by him to the council or which had come to the council itself, were now directed to the king for the most part or to the secretaries of state, and were generally dealt with outside of the council. In this time of senescence and decay there remained to the

privy council principally authority over Ireland and over the plantations. Reviewing Irish legislation, giving directions with respect to trade and the colonies, and hearing appeals from the plantations were the principal tasks that the council still had power to perform. In addition, there survived some remnants of other powers in respect of domestic matters and treasury and admiralty affairs. Such business, accordingly, it was that engrossed the committee of the whole council.

Generally speaking, the work of the committee of the whole council is best seen in a study of meetings of the privy council and various meetings of the committee itself. In 1732 Queen Caroline, then guardian of the kingdom in the absence of George II—in Hanover, in a council of ten at Kensington, transacted the following business: with the advice of the privy council she ordered parliament and convocation prorogued; a proclamation to prohibit trading to the East Indies contrary to the privileges of the East India Company was read and approved; from the committee of council was approved a report concerning establishment of a charity in the interests of sea officers' widows; on report of the lords of the committee an act of South Carolina was approved; on their representation another act from that colony was repealed; on report from the lords of the committee were approved additional instructions to the governor of South Carolina about settling six hundred Swiss Protestants there; a report from the committee on some appeals from Antigua was approved; a memorial from the admiralty was approved; a petition of Lord Baltimore that a previous order in council should be supplemented was read and granted—without reference to the committee of council; an address of the house of commons asking inquiry into the fees of the several law offices was referred to the committee; eight acts of Massachusetts were referred to the committee of

council; a petition of the trustees of Georgia was referred to the committee; a petition relating to the presidency of the council and the government of Jamaica was referred to the committee; a petition praying for a grant of lands in Nova Scotia was referred to the committee; a petition from the widow of an officer praying for a pension was referred to the commissioners of the admiralty; appeals from Guernsey and from Alderney were referred to the committee.[56]

In 1734 "the Right Honble the Lords of the Committee of Council for hearing Appeales from the Plantations", attended by six, and sitting at Whitehall, prepared a report on an appeal from Rhode Island; another advising that a proclamation be issued in respect of disorder in Cornwall; another for issuing a proclamation about disorder in Hertfordshire; an order for the hearing of an appeal from the Isle of Man; and another for hearing an appeal from Antigua.[57] In 1736 "the Lords of the Committee of Council for the Affairs of Jersey and Guernsey", four present, at Whitehall, made a report concerning an appeal from Jersey; another on an appeal from Barbados; another recommending that a Massachusetts act be confirmed; and then directed the board of trade to prepare certain instructions in respect of Massachusetts.[58]

In 1745 a committee of three for Irish bills, dealt with Irish bills, with a doleance or petition about a grievance from Jersey, and an appeal from Rhode Island.[59] In 1753 "a Committee of the Lords of His Majestys most Honourable Privy Council" in the council chamber at Whitehall, attended by seventeen of the council, prepared a report on a memorial from the minister of Genoa pray-

[56] P. C. R., xcii, 21 July 1732.
[57] *Ibid.*, 16 July 1734.
[58] *Ibid.*, xciii, 2 February 1735-6.
[59] *Ibid.*, xcix, 25 November 1745.

ing his majesty to prohibit succor by his subjects to the Corsican rebels: "Their Lordships have . . . no objection to Your Majestys complying with his present Request. And to that End, that Your Majesty will be pleased to issue Your Order in Council". Afterwards "their Lordships sat as a Councill".[60]

In respect of these committees the name indicates little. By the time of George II, and earlier, the various names denoted no more than particular aspects of the one committee of the whole privy council. Apparently the names indicated no more than what was first brought up or what was chiefly designed, or what beforehand was particularly intended to be considered. It is probable that the name was given sometimes merely to denote that the time had come to deal with certain business of the council. In 1740 one interested wrote: "It being sayd, that Lord President, designs, soon to appoint a Day for Hearing this Matter, Att^d Com^tee long this Night, but No such Com^tee appointed."[61]

Plantation affairs and trade matters occupied the attention of the committee of the whole council more than anything else, such work often being done by the committee under such names as committee for plantation affairs or committee for hearing appeals from the plantations. At times the activity of the committee of the council with respect to such matters consisted in little more than referring them to the board of trade and afterwards receiving the commissioners' reports thereupon. On other occasions the committee was itself very active in various tasks in this field.

Plantation matters were constantly referred from the privy council to the committee. In 1710[62]

[60] *Ibid.*, ciii, 8 May 1753.

[61] Representation of John Paris, 26 February 1739-40: Treasury Board Papers, T 1, cccxxxv. 97.

[62] P. C. R., lxxxiii, 30 November 1710.

It is this Day Ordered by Her Majesty in Councill, that the further Hearing of Mitford Crow Esqr the late Governor of Barbados, upon the Severall Complaints Exhibited against Him, be Referred to a Committee of the Whole Councill Who are thereupon to Report how They find the same.

Next year the queen in council at Kensington referred various letters and addresses from the Leeward Islands to the lords of the privy council, "who are to meet in a Com^tee to consider thereof, and to Report to Her Ma^ty at this Boord".[63] At a council in 1713 matters relating respectively to Guernsey, Barbados, and to the magistrates and Quakers of Aberdeen were referred in succession to "a Committee of the Lords of Her Maj^ty's Most Honble Privy Council".[64] In 1724 at a council at St. James's a "Massachusetts Bay Act for Apportion^g and Assessing a Tax there. Ref^d to a Committee"; "Virginia Appeale of Sarah Perry & als. ag^st Mary Randolph & als. Ref^d to a Comittee."[65]

In 1731 at Hampton Court:[66]

Upon reading this day at the Board a Representation from the Lords Commissioners for Trade and Plantations dated the 29th of last Month upon two Acts past in Virginia . . . Both which Acts the said Lords Commissioners humbly offer to His Majesty as proper for His Disallowance:—It is ordered by His Majesty in Councill that the said Representation and Acts, Be, and they are hereby referred to a Committee of the Lords of His Majestys Honourable Privy Councill to Consider the same, and Report their Opinion thereupon to His Majesty at this Board.

In 1755 a petition from the agent of the colony of New Jersey, that his majesty approve the draft of a bill for

[63] P. C. R., lxxxiii, 23 June 1711.
[64] *Ibid.*, lxxxiv, 30 July 1713.
[65] *Ibid.*, lxxxviii, 12 May 1724.
[66] *Ibid.*, xci, 12 August 1731.

making £ 70,000 current in bills of credit, was referred to the lords of the committee of council, to whom the draft of the bill had already been referred. At the same privy council the representation of the governor and the council of Jamaica about proceedings against the late provost marshal of that island was referred to the lords of the committee of council, to whom also a petition in favor of the official had been referred. In this council moreover an address of the assembly of Pennsylvania complaining that the governor had refused assent to a bill for emitting £ 20,000 in bills of credit was likewise referred to the committee of council.[67]

Many appeals from courts in the plantations were heard in the privy council through the committee of the whole council, frequently acting under the title of committee for appeals from the plantations. In 1718, after reference by the king in council, the committee for hearing appeals from the plantations investigated the cause of a petitioner, Nicholas Carr. Certain irregularities in the court record having been discovered, further hearing before the committee was postponed. "And the respective Courts of Rhode Island afores^{d} are hereby Ordered to perfect their Records by Entering up Judgem^{ts} accordingly in this Cause, without any Charge to the partys and forthwith to transmitt the Same over to this Board." [68] The committee thus acting directly, and not through recommendation to the council. In 1736 "a Committee of the Lords of His Majestys Most Honourable Privy Council", attended by four in the council chamber at Whitehall ordered that four appeals should be heard before them in the order stated: [69]

First—Appeale of Lewis & others against Smith from Jamaica

[67] *Ibid.*, civ, 3 April 1755.
[68] *Ibid.*, lxxxvi, 15 December 1718.
[69] *Ibid.*, xciii, 23 July 1736.

Second—Appeale of Smith agst Saunders from Jamaica.

Third Appeale of Lempriere against Guerdain from Jersey.

Fourth Appeale of Dumaresq against Dumaresq from Jersey.

In 1742 the committee for hearing appeals from the plantations, consisting of five of the lords of the council, in the council chamber at Whitehall, considered the appeal of a certain one against two others of New York, and heard counsel thereupon. Their lordships adjourned further hearing of this appeal until the first committee after the holidays, so that Lord Chief Justice Lee might attend.[70] The reports made by the committee on such cases were invariably confirmed by order in council. In 1718: "Leeward Islands Order Confirming the Comittee Rep^{t} on the Appeale of Smith agst Marrie Sweet." [71]

Inspection of colonial legislation and matters of colonial government often occupied the committees of council. In 1714 a meeting of the lords of the committee for hearing appeals from the plantations, attended by three, considered and referred to the board of trade the practice in the plantations of passing temporary laws.[72] In 1726 "a Committee of the Lords" ordered the attorney general and the solicitor general to prepare the draft of a commission for the bishop of London to exercise ecclesiastical jurisdiction in the plantations.[73] Next year "the Lords of the Committee agree humbly to Report to Your Majesty" that Massachusetts and New Hampshire should settle a fixed salary on the governor there.[74] About the same time "the Lords of the Committee of the Privy Councill" referred a petition to the board of trade about

[70] P. C. R., xcvii, 9 December 1742.
[71] *Ibid.*, lxxxvi, 31 March 1718.
[72] *Ibid.*, lxxxiv, 5 June 1714.
[73] *Ibid.*, lxxxix, 4 March 1725-6.
[74] *Ibid.*, 22 February 1726-7.

the repeal of various Massachusetts laws, also a matter concerning South Carolina.[75] Shortly after "a Committee of the Lords" prepared a report on a commission and instructions for the governor of Jamaica—which had been previously considered by the board of trade, thence reported to the council, and by the king in council referred to the committee of the council; the committee agreed on a report upon a representation from the board of trade—made to the privy council and referred from the council to the committee—about an act of assembly from New York; and the lords considered a report from the board of trade on the decrease in export of woolens to the East Indies.[76]

In 1728 "the Lords of the Committee for hearing Appeals Complaints &c[a] from the Plantations" considered a report of the board of trade on Colonel Spottswood's petition about remittance of quit rents from his lands in Virginia: "Lord President will Speak to Lord Townshend and S[r] Robert Walpole about it."[77] The activity of the committee of the council in colonial matters about this time and for some years after, which coincided with the decadence of the board of trade, is said to have been due, partly at least, to the personal interest of Sir Spencer Compton, who became lord privy seal in 1730 and earl of Wilmington later that year. During these and the following years acts of assembly from the plantations were generally referred from the privy council to the board of trade and the representations of the commissioners to the council thereupon would be referred to the committee of the council. Petitions about such acts were sometimes referred to the committee.[78] In 1731 the king referred to the committee the petition of Lord Baltimore

[75] *Ibid.*, xc, 14 July 1727.
[76] *Ibid.*, 2 August 1727.
[77] *Ibid.*, 6 June 1728.
[78] *Ibid.*, xci.

asking that the disputes about the boundary between Maryland and Pennsylvania might be settled.[79] About the same time a representation of the board of trade to the king that an Antigua act be disallowed was by his majesty referred to the lords of the committee: their report recommended that the act be repealed.[80] Next year a committee attended by five of the council gave several orders to the board of trade to insert names in the lists of councillors in the several plantations, particularly when new governors ought to be appointed.[81]

Frequently the committee of the whole council acted along with the board of trade, either referring matters to it for report or consulting with it. In 1736 one of the clerks of the council wrote to the secretary of the board of trade: [82]

> I am Ordered by the Lords of the Committee of Council to acquaint you that their Lordships Desire the Lords Commiss^rs for Trade and Plantations will be pleased to Attend them on Saturday next the 10th instant at Six in the Evening at which time their Lordships are to take into Consideration a Report by the said Lords Commissioners for repealing An Act past in the Massachusetts Bay.

By 1740 plantation business appears to have been almost entirely under the control of the committee of the whole privy council, its members sitting sometimes as the committee for plantation affairs, or the committee for hearing appeals from the plantations, more often as the committee of the council. To the lords of the committee plantation matters were referred in the privy council. To the council their reports were presented. Representations from the board of trade to the council, when the council had first referred colonial matters to the commis-

[79] P. C. R., xci, 7 July 1731.
[80] *Ibid.*, 23 July 1731.
[81] *Ibid.*, 3 February 1731-2.
[82] *Ibid.*, xciii, 7 July 1736.

sioners for trade and plantations, were by the council referred to the committee of the council for consideration further. The lords of the committee of the council frequently themselves referred to the board of trade matters commended to them from the council.[83] In 1743 a petition for a grant of mines in Jamaica was referred to "the Lords of the Committee of Council for Plantation Affairs". A few days later "the Lords of the Committee of Council Appointed to Consider the Irish Bills"—named ostensibly as a limited committee of the council, considered certain Irish bills, then various plantation matters, among which was the petition about the Jamaica mines. They referred the plantation matters to the board of trade.[84]

With the board of trade, with the commissioners of the treasury, and with other departments the committee of the council was often in intercourse or collaboration concerning plantation matters. In 1711, when the queen in council had referred depositions relating to the murder of Colonel Parke, governor of the Leeward Islands, to "a Com^{tee} of the whole Council", and the lords of the committee had made their report, the queen again in council ordered the lords commissioners of trade and plantations to examine and report on a matter connected therewith.[85] In 1714 "a Report from a Committee of the whole Council" was presented at the board of trade.[86] In 1750 the commissioners prepared a report for the lords of the committee upon two Pennsylvania acts of the year before.[87] Sometimes petitions were referred from the committee to the treasury and elsewhere.[88]

Various matters concerning trade came before the committee of the whole council. In 1704 the committee

[83] *Ibid.*, xcvi.
[84] *Ibid.*, xcviii, 19, 24 November 1743.
[85] *Ibid.*, lxxxiii, 19 December 1711, 10 January 1711-12.
[86] C. O. 391, xxiv, 9 June 1714.
[87] *Ibid.*, lvii, 18 July 1750.
[88] Treasury Board Papers, T 1, cccxxxv. 97, 98.

considered the treatment of English merchants at Leghorn, together with papers thence justifying the treatment given.[89] In 1710 the queen in council ordered that "a Committee of the whole Councill" should meet and consider proper expedients for furnishing London with coal and for regulating the coal trade.[90] In 1714 a committee of twelve in the council chamber at Whitehall, having made a report about some laws of Pennsylvania, read and considered a memorial from the minister of Sweden about Englishmen arming and equipping ships which they sold to the tsar of Muscovy.[91] In 1717 in a council of the king and nine at Hampton Court, a report of the lord mayor and the aldermen of London about a combination of the owners and the masters of coal ships to raise the price of coals was referred to "a Committee of the whole Council".[92] In 1721 the king by order in council having referred two petitions of the East India Company about illegal trade carried on to the prejudice of the company, "a Committee of the Lords", attended by five, including the two secretaries of state, referred the matter to the attorney general and the solicitor general, they to report "to this Board".[93] Shortly after a committee for the affairs of Jersey and Guernsey prepared for presentation to the king the draft of an order to prevent East India traders from coming to the West Indies.[94] In 1724 seven of the council in a committee for plantation affairs prepared for a later session: "New York Committee Order for taking into Consideration, An Act laying a Duty of 2.[11] p Cent. on European Goods."[95]

[89] S. P. D., Entry Books, cv, 29 May 1704. This is one of many cases where the record is not sufficient to make it certain whether the committee mentioned was the group of the cabinet ministers or a committee of the whole council.

[90] P. C. R., lxxxiii, 16 July 1710.

[91] *Ibid.*, lxxxiv, 20 March 1713-14.

[92] *Ibid.*, lxxxvi, 25 July 1717.

[93] *Ibid.*, lxxxvii, 2 August 1721.

[94] *Ibid.*, 24 August 1721.

[95] *Ibid.*, lxxxviii, 17 April 1724.

During all this period Irish bills were submitted to the privy council of England before they were sanctioned to be laws in Ireland. Consideration of them was given over to committees of the council. With the development of the committee of the whole council Irish legislation was committed to all the lords of the council or else to select committees. In 1703 Anne in a council of twenty-seven at St. James's referred an Irish bill, the clerk's note in the margin of the register being: "Ireland. Popish Bill refer'd to the Lords of the Committee." A few days later it was considered in a committee of the whole council, eight being present. It was then dealt with in the privy council. A week later it was given again to a committee of the whole council. Two days after a "Committee to consider of the Irish Bill against Popery", eighteen being present, resolved that the bill should be altered by the attorney general and the solicitor general. With amendments the bill was afterward approved in the council.[96] During this period Irish bills seem to have come before the committee of the whole council as a matter of course.[97] Later on limited committees were frequently appointed for consideration of Irish bills, but in course of time, though avowedly of limited membership they also tended to become committees of the whole privy council.

Appeals and other business from the smaller islands about England continued to be sent to the privy council, and they were now dealt with actually by committees of the whole council. In 1706 the queen in a council of fourteen at St. James's referred to "the Lords of the Committee for the Affairs of Jersey and Guernsey" a doleance from an inhabitant of Jersey complaining of the unjust and unreasonable sentence of the royal court there, and citing instances of oppression of the inhabitants of the

[96] P. C. R., lxxix, 17 December 1703, 5, 7, 15, 17, January 1703-4; lxxx, 20 January 1703-4.

[97] *Ibid.*, lxxx.

island by the jurats there.[98] In 1716 "the Lords of the Comittee of His Majᵗˢ Most Honoᵇˡᵉ Privy Councill" being met in the council chamber at Whitehall, "The Appeale of Willᵐ Christian agᵍˢᵗ John Corrin from the Isle of Man being this day Argued before the Lords of the Comittee, by Councill Learned in the Law", their lordships resolved to defer giving any judgment until the council had considered the matter.[99] In 1721 "the Lords of the Committee", seven being present, considered various matters, among which was removing the quarantine from Jersey and Guernsey.[100] In 1754 there was a meeting of six of the privy council as "the Lords of the Committee of Council for Plantation Affairs and the Affairs of the Islands of Jersey and Guernsey".[101]

From time to time various matters relating to admiralty, ordnance, army, and supply came before the committee of the whole council, though by the time of the Hanoverians such business had for the most part been withdrawn from the privy council. In 1704, on representation by two officers, the committee of the council took into consideration the hardships of officers and soldiers in the West Indies.[102] In 1721 eight of the privy council met in the council chamber at Whitehall as "the Lords of the Committee for hearing Appeals Complaints &cᵃ from the Plantations":

> Upon reading this day at the Board a Report from the Lords Commissionʳˢ of the Admiralty on the Petition of the Saylors of the Ship Scarborough touching the giving them the Ship called the Blanco which they took as a Prize in the West Indies; The Lords of the

[98] P. C. R., lxxxi, 12 September 1706.
[99] *Ibid.*, lxxxv, 13 July 1716. [100] *Ibid.*, lxxxvii, 18 March 1720-1.
[101] *Ibid.*, civ, 2 April 1754.
[102] S. P. D., Entry Books, cv, 7 December 1704. This may have been "the committee" and not the committee of the whole council.

> Committee were pleased to agree in Opinion with the said Lords of the Admiralty, and humbly offer that the said Report may be Confirmed in Councill accordingly.

Two hours later the same members sat as a council and approved the report which the admiralty had given to the committee and which the members, now in council, had just approved when they sat as a committee: that payment should be made into the high court of admiralty of the value of the ship and the goods.[103] About the same time the king in council referred to "the Lords of the Committee" the petition of a shipowner asking letters of reprisal against the inhabitants of Hamburg, for seizure and plundering of his ship. Somewhat later "a Committee of the Lords" prepared a report recommending that the king grant the letters. A week later, the report being read to the king in council order was given that letters of reprisal be granted.[104]

In 1730 at a meeting of nine of the council—including some of the principal ministers—in the council chamber at Whitehall:[105]

> The Lords of the Committee this day met and took into their Consideration a New Book of Regulations and Instructions for His Majestys Sea Service, prepared by the Lords Commiss^rs of the Admiralty, and agreed to Meet again the 4th of January next, to Consider further thereof.

In 1731 a clerk of the council wrote to the master of the ordnance that "The Lords of the Committee of Councill" having just noticed that no return has been made to the king's order in council of last December, directing preparation of an estimate of the cost of twenty guns, "I am Commanded by their Lordships to acquaint Yo^r Grace therewith, That Yo^r Grace may be pleased to Cause the

[103] P. C. R., lxxxvii, 26 April 1721. [104] *Ibid.*, 28 April, 5, 11 June 1721
[105] *Ibid.*, xci, 30 December 1730.

said Estimate to be forthwith prepared and laid before His Majesty." [106] In 1732 a memorial from the lords commissioners of the admiralty proposing that a fixed proportion of the pay of sea officers be deducted as a means to raise a fund for the support of their widows was referred to "a Comittee of the Lords of His Majestys Most Honourable Privy Council" to examine, then report to the king in council. That same day a "Committee for Plantation Affairs", of six of the important ministers recommended that three pence in the pound should be deducted therefor—as recommended by the admiralty. This scheme, however, they referred to the attorney general and the solicitor general for report to the committee.[107] In 1739, Sir John Norris says he was present at a meeting of "the committe of Counsell . . . whare the Clark of the Concell was cald in upon sum words in the proclamation of warr that the dutch thought comprehened the makeing prize of their Shiping in sum caseis." [108]

Finally there came before the committee of the whole council a variety of miscellaneous matters that concerned domestic affairs. In 1713, at a council at Kensington, was reported by the lord president from the lords of the committee of the council "Resolution the Comittee upon the Pet$^{n}_{:}$ of the Dutchess of Hamilton".[109]

In 1720 the lords justices in council directed a committee to meet in the council chamber that evening to consider and prepare what they thought necessary to prevent spreading the contagion. That evening there was "a Committee of the Lords of His Maj^{ts} Most Hono^{ble} Privy Councill", consisting of five, all of whom had been present at the council of fourteen in which the committee had been ordered.[110] Next year four councillors, including the two secretaries of state, met in committee:

[106] P. C. R., xci, 4 August 1731. [107] *Ibid.*, 19 January 1731-2.
[108] Add. MS. 28132, 5 November 1739.
[109] P. C. R., lxxxiv, 30 July 1713. [110] *Ibid.*, lxxxvi, 23 August 1720.

> This day their Lordships Mett and Settled a Draught of an order of Councill obliging all Persons coming from France Northward of the Bay of Biscay to bring Bills of Health, in default thereof to be laid under Quarentine. And Directed Mr attorney General to prepare a Draft of a Proclamation to Notify the said Order.

A few days later the order and the proclamation were read and approved in privy council.[111] In 1723 a committee of the lords ordered the commissioners of the customs to report their opinion on the state of quarantine.[112] In 1728 the committee ordered a proclamation to be prepared extending the quarantine.[113]

In 1721 a committee of the whole council, six attending, took up a complaint which the king had referred to them, the parties being summoned to appear. The complainant not coming, however, the matter was dismissed.[114] Three years later a committee, thirteen being present, prepared a report upon the draft of a charter for Tiverton and upon a report of the attorney general and the solicitor general about it.[115] In 1727 a committee considered a complaint of the weavers of Somerset and Wilts against the broad clothiers. The report of the committee a little later noticed lengthening of the warping bar, illegal deductions from the weavers' wages, and vexatious lawsuits.[116]

In 1727 George II in a council of twenty ordered all the lords and others sworn of his privy council to be a committee on preparations for their majesties' coronation.[117] It may be noticed that previously select committees of the

[111] *Ibid.*, lxxxvii, 27 September, 2 October 1721.
[112] *Ibid.*, lxxxviii, 1 March 1722-3.
[113] *Ibid.*, xc, 29 June 1728.
[114] *Ibid.*, lxxxvii, 6 November 1721.
[115] *Ibid.*, lxxxix, 2 November 1724.
[116] *Ibid.*, 28 January, 4 February 1726-7.
[117] *Ibid.*, xc, 5 August 1727.

council had been appointed for coronations. Next year the lords of the committee of the council gave an order for hearing a complaint about an election at Cambridge University.[118] In 1732 "a Committee of the Lords", seven attending, prepared a report on difficulties connected with the charter of Lostwithiel and elections there—the matter had been referred to the committee of the council.[119] Next year "a Committee", of ten of the council, made ready a report to the king in respect of a report of the attorney general and the solicitor general referred to the committee by the king, recommending—as the attorney and the solicitor had recommended—that the Chelsea Waterworks Company be empowered to augment its capital stock to not more than £ 70,000.[120] Shortly after several lords of the privy council were to meet in the apartment of Lord Harrington—secretary of state, at Hampton Court, to consider the ceremonies proper at marrying an English princess to a foreign prince, they studying the precedents in question.[121] This may have referred to a meeting of principal ministers and not to a committee of the whole council; but as in many instances the evidence is not clear so in some cases the line of division between the two is not certain.

[118] P. C. R., xc, 29 June 1728.
[119] *Ibid.*, xci, 20 April 1732.
[120] *Ibid.*, xcii, 2 March 1732-3.
[121] S. P. D., Entry Books, cxxii, 21 September 1733.

APPENDIX

I

ADDITIONS TO VOLUME I

PAGE 19. In 1536, Henry VIII, answering the Yorkshire rebels, who complained that at the beginning of his reign there had been many noblemen who were "Counsaillors", but that such was no longer so, replied:[1]

> For first of the Temporaltee; in our Pryvey Counsell We have the Duke of Norfolke, the Duke of Suffolke, the Marques of Excester, the Lord Stewarde (when he may com [the earl of Shrewsbury, then commanding against the insurgents]), the Erle of Oxforde, the Erle of Sussex, the Lord Sandes our Chamberleyn, the Lord Admyrall Tresourer of our House [Sir William Fitzwilliam, made earl of Southampton in 1537], Sir Willyam Poulet Comptroller of our House: and of the Spiritualtee; the Bisshop of Hereford, the Bisshop of Chichester, and the Bisshop of Wynchester. Now how farre be ye abused, to recken that then there were mo noble men in our Pryvey Counsell, then now? . . . We wold ye knew, that it apperteyneth nothing to any of our subjectes, to appoynt Us our Counsaill . . .

Six of these councillors were among those given as of the "Privy Counsell" in the council order or list of 10 August 1540, while the name of another—Poulet—occurs among the signatures of councillors not with the king about the same time.[2]

[1] *State Papers, Henry VIII*, I, ii. 507, 508.

[2] Sir Harris Nicolas, *Proceedings and Ordinances of the Privy Council of England*, vii. 3, 4; *S. P., Henry VIII*, I. ii. 662, 687.

For the latter part of 1536 and the earlier months of 1537 there are several communications signed by councillors of the king, that were printed in the eighteenth century by the editor of the *Hardwicke State Papers*. In form they are like the letters sent by privy councillors meeting apart from the king to the councillors attendant, which for a period a little later (1541) are printed in the *State Papers, Henry VIII*. There is no reason to suppose that records of all such meetings of such councillors for the period in question were printed by the editor, and it is certain that he gave all the signatures for only a few of the meetings. None the less, six meetings held 19, 20 October, 2, 4 December 1536, 4, 4 February 1536-7 show a small group of councillors, mostly important and some of them regularly attending. Altogether thirteen names appear, if there be included another meeting to which came the archbishop of Canterbury but for which other signatures are wanting:

The lord chancellor
Cromwell
earl of Sussex
bishop of Hereford
earl of Oxford
bishop of Chichester
William Poulet
William Kingston
duke of Suffolk
William Fitzwilliam
Lord Russell
marquis of Exeter
archbishop of Canterbury
Lord Audley

Cromwell and the earl of Sussex came six times, the lord chancellor, Hereford, and Chichester five times, Poulet four times. Six of them were of the " Privy Counsell " 10 August 1540, while Poulet attended privy coun-

cillors not with the king a little later.[3] Eight of the names are among those given in 1536 by Henry VIII, who did not include the lord chancellor, Cromwell—elsewhere frequently spoken of as a privy councillor, Kingston, Russell, and the archbishop. It is probable that in 1536-7 the privy council contained at least seventeen members.

Page 27. In 1509 a correspondent wrote asking that letters be delivered to the lord treasurer or, in his absence, "unto sum other of the prevey counseyle".[4] In 1524 Wolsey, replying to Richard Pace, concerning letters urging Henry VIII to invade France while the duke of Bourbon was attempting to dethrone the king of France, said that he had not only explained the matter to Henry "but also his grace I and others of his secrete counsail" had perused them and debated and consulted upon them.[5] It may be noted that Rawdon Brown's translation of Sebastian Giustinian's letter book, which seems to show instances of the term "privy council" used by the Venetian ambassador in 1516 and 1517, actually throws no light on the matter, since the translator's version is not exact. Where he gives "four members of the Privy Council" and "Privy Council" [6] the original has no more than "quattro conseglieri" and "suo cseglio".[7]

[3] *Miscellaneous State Papers* (ed. by Philip Yorke, second earl of Hardwicke, London, 1778), i. 23-47; Nicolas, vii. 3, 4; *S. P., Henry VIII,* I. ii. 662, 687.

[4] Thomas Spynelly to Sir Gilbert Talbot, 9 September [1509]: *H. M. C., MSS. in Various Collections,* ii. 305.

[5] British Museum, Harleian MS. 282, fo. 288.

[6] Rawdon Brown, *Four Years at the Court of Henry VIII, Selection of Despatches Written by the Venetian Ambassador, Sebastian Giustinian, and Addressed to the Signory of Venice, January 12th 1515, to July 26 1519* (London, 1854), i. 218, ii. 76. For an account of this translation see *Quarterly Review,* xcvi. 354-93 (1854-5).

[7] Biblioteca Nazionale di San Marco, Dispacci Inghilterra, 1515-1519, codice mcmxix, 26 April 1516, 9 May 1517, also 8 February 1515-16 and 19 March 1516-17.

Page 28, note 47:

In tutte le dispositioni sue non si discosta mai il Parlamento dalla volontà di S. M. et suo secreto consiglio, il quale maneggia il tutto come vuole.

Entrano nel secreto consiglio gl' Illmi di Nolfor e Sufole il gran cancelliero, l'illustrissimo Conte Vuilcier [Wiltshire] padre della favorita, il Mco Figuglielmo cavalier dell'ordine et gran tesoriero della casa di sua maestà I gran Stuardo, l' Illm. Conte di Serisburi [Shrewsbury], il mag. Contavolo Ari [D'Arcy] Cavaliere dell' ordine. Il Sigr Tomaso Gramuele [Cromwell], e il dottore Stefano [Gardiner] secretario di S. M.[8]

Page 32. In the papers of Edward VI an undated manuscript under the caption " The names of the hole councel " gives a list of thirty-one, besides a list of nine—" Those that be now callid into commission ", probably commissioners attached to the council but not members of it, among them the solicitor and two masters of requests.[9]

Page 35. Giving advice to Charles II, about 1660-1, an anonymous writer, doubtless Clarendon, said: [10]

Now for the Startchamber, ther was Great Exceptions to that, as an Arbetrary Courte—Tis true itt hath not been very Antient, but sertenly the Intention, & foundation, of itt, there Could not Posibly bee a better,—for before that Courte was Erected, what Disorders, what Riotts, was Comitted Dayly, Euen to Disorder the Judges of Assizes where they satt . . . And after the Startchamber was Erected so much peace, & quiettnes to yor Maties people.

Page 43. Bacon writing in 1621 also said: " This court of Star-chamber is compounded of good elements; for it

[8] Relazione di Lodovico Falier, 1531: Venetian Transcripts, cx, folios not numbered.

[9] Cotton MS., Nero, C, x, fo. 84.

[10] Clarendon MS. 109, fo. 30.

consisteth of four kinds of persons; counsellors, peers, prelates, and chief judges." [11]

Page 44. Among the marginal summaries that accompany Mill's treatise of the Star Chamber and the privy council are these: "None to bee adioyned to the Councell of the king but suche as shall please the king"; "None but sworne Councellors are to stay in the Councell while matters of Councell are treated there".[12]

Page 46. The best manuscript of Hudson's treatise of the court of Star Chamber, that was printed in *Collectanea Juridica*, gives the passage as follows: "The number in the reignes of H 7. et H 8. haue bene well nere 40. at some one time, 30. in the reigne of Q: Eliz: oftentimes, but now much lessened since the Barons and Earles not beinge priuie Counsellors haue forborne their attendance".[13]

Page 48. In February 1540, when a decree committing three of the king's officers to the Tower was given in Star Chamber, there were present [14]

Lord Audley of Walden	lord chancellor
Thomas Cromwell	keeper of the privy seal
earl of Southampton	
earl of Sussex	
earl of Hertford	
bishop of Durham	
John Lord Russell	great admiral
Lord St. John	
Sir Anthony Wingfield	vice chamberlain

[11] Francis Bacon, *The Historie of the Raigne of King Henry the Seventh* (1622), *Works* (ed. Spedding, Ellis, and Heath, London, 1870-2), vi. 85.

[12] British Museum, Hargrave MS. 216, fo. 102.

[13] Treatise of the Courte of Starre-chamber: Add. MS. 11681.

[14] Madox's Collections, xliii—The Star Chamber: Add. MS. 4521, fo. 120.

Sir Thomas Dennis
Sir John Gage
Sir William Kingston
Sir Anthony Browne
Sir Richard Riche
Sir William Essex
Lord Mordant

Of these sixteen, all but Cromwell—who was beheaded 29 July 1540, St. John, Sir Thomas Dennis, Sir John Gage—who became a privy councillor 10 October 1540, Sir William Essex—one of the king's ordinary counsel, and Mordant were of the privy council 10 August 1540.

In April of that year, at the submission of Sir Humphrey Browne in the Star Chamber, were present [15]

The lord chancellor
duke of Norfolk
earl of Southampton
earl of Hertford
Lord Russell

Sir Thomas Wriothesley	king's secretary
duke of Suffolk	
earl of Essex	lord keeper of the privy seal
Sir Ralph Sadler	king's secretary
Sir Anthony Wingfield	vice chamberlain
Sir William Essex	
Sir Edward Montague	lord chief justice
Sir John Baldwin	chief justice of the common pleas

Of these thirteen all were of the privy council, 10 August 1540, save the two justices, Sir William Essex—of the ordinary counsel, and Cromwell—made earl of Essex just before his fall.

Page 49, note 39. In 1634, fifteen being present " at the starre chamber ", was given " An ord[r] of the starre cham-

[15] Add. MS. 4521, fo. 122.

ber concerning the settlement of the fishery in Newfoundland." This order is also noted in the privy council register as given that day, fifteen privy councillors meeting in the Star Chamber, on which occasion was given also an order concerning "the Starr-Chamber", which bade the multitude forbear crowding in the room after "wee are sett in the Court".[16]

Page 50. In June 1543, "A variance complayned of in the starred Chamber", between the mayor and government of Bristol on the one hand and the parishioners of certain churches therein on the other, was heard before eleven, of whom all but Sir Robert Southwell—who none the less attended meetings of privy councillors not with the king and signed communications along with them, Sir William Essex, the two chief justices, and the chief baron, were among those who attended the meetings listed in the register of the privy council.[17]

In 1551 the Venetian ambassador, Barbaro, wrote:[18]

> Ben sono alcune cause di grandissima importanza, che si referiscono ad un luogo che si chiama la camera stellata, dove interviene la persona del re. Ivi sono alcuni legisti che sempre stanno in sala, chiamati reprendarj, ovvero maestri delle richieste, i quali ricevono le suppliche e le querele dei poveri oppressi, che si porgono al re, e ascoltano e determinano in un luogo detto la sala bianca. Ma i negozj d'importanza che appartengono al principe ovvero al popolo, sono riferiti al domestico consiglio del re, nel quale entrano, secondo il volere del fu re Enrìco, sedici grandi; e tutto quello che in esso si delibera è pubblicato per gride e proclami, li quali hanno vigore e forza di leggi, purchè non s' estendano a pena capitale, a diseredare alcuno, ovvero che non siano repugnanti di fatto alle leggi antiche.

[16] Colonial Papers: C. O. 1, viii. 1; P. C. R., xliii, 24 January 1633-4.
[17] Add. MS. 4521, fo. 123.
[18] Eugenio Albèri, *Relazioni dello Impero Britannico nel Secolo XVI* (Florence, 1852), i. 11, 12.

Page 57. According to Lord Chief Justice Hale, writing about 1676, there had formerly been a *concilium ordinarium*, composed of five classes of members, namely, privy councillors, great officers of state, officers of the household, judges of both benches, and lastly, judges itinerant, masters of the rolls and others. Probably on the strength of sixteenth century allusions to " ordinary counsail " he gave artificial outlines to an ordinary council that had never existed.[19]

During the reign of Edward VI were drawn up " Articles for the mañer of th'execuc̃on of the Coñission directed to certaine of the priuie Counsaile and others associat vnto them for the hearing and determyning of certen Requests made as herafter followeth "—the eight named were the lord privy seal, lord chamberlain, Lord Cobham, Sir John Mason, Sir Philip Hoby—these five being of the privy council in 1551, the bishop of London, Mr. Cocke and Mr. Lucas—both of them masters of requests.[20]

About 1591 William Lambarde said: [21]

> The Councell of the Kinge consisteth onlie of persons thereunto especially elected by himselfe, and there sworne to serue him with theire faithfull Advise and Councell, and whether they bee nobles or noe it is not materiall Seeinge the callinge cometh not by birth but it cometh by election, soe that it excludeth all that bee not admitted. A thinge that may well appeare and not only by the especiall forme of their oath, but [*apparently crossed out*] by the number of themselues (distinctlie knowne to bee moreor lesse att sundry times) by keepinge intered the entry of theire seuerall names and

[19] *The Jurisdiction of the Lords House, or Parliament*, etc. (ed. Francis Hargrave, London, 1796), pp. 5, 6, and chapters ii, iv.

[20] Lansdowne MS. 160, fo. 224.

[21] Harleian MS. 736, fo. 672; *Archeion, or a Discovrse upon the High Courts of Iustice in England* (London, 1635), pp. 105-7: this writing was finished in 1591.

by the ffee that each of them doth rateablie pay upon his degree when hee is admitted, But alsoe by experience of former times and not without some example of execucon in our owne daye. And they alsoe of this Councell of the kinges haue beene diuerselie tearmed some of the privie Counsell, for that they weare inwardly used and seacretlie used in matters of estate, besides that they weare ordinarilie ymployed alsoe upon other Causes with the rest that haue bine called of the Councell att lardge.

Just after the Restoration Clarendon, perhaps, advising Charles II, wrote: [22]

& so of the Law, yo[r] Ma[tie] May send for yo[r] Aturney, solister, & Larned Counsell of the Lawe to Deliuer their opinions, w[t]hout makeing them priuey Counsellors, Nay my Lord Strafford was of opinion, to haue no Lawyeres of yo[r] priuey Counsell, For they did but Distracte state affayres.

In 1697, when a new commission was given to the board of trade, the commissioners were empowered to take the advice and assistance of the attorney general and the solicitor general "or other Our Council at Law".[23]

Page 72. According to the first proclamation

Wee therefore the Lords Spirituall & Tempall of this Realme, being here assembled vnited & assisted with those of her late Ma[ts] privy Councell, and with great Numbers of other Principall Gentlemen of Quality in the Kingdome, with the Lord Maior, Aldermen, and Citizens of London & a multitude of other good Subjects & Commons of this Realme

proclaimed James king of England, the document being signed by thirty-two.[24]

[22] Clarendon MS. 109, fo. 63. [23] C. O. 391, x, 6 July 1697.
[24] Bodleian Library, Ashmolean MS. 862, fos. 409-11.

27 March 1603, James I wrote a letter to his "Right trustie and Welbelouit Counsellours", bidding them execute their offices for the present.[25]

Page 89. In 1903 Edward VII presided over a privy council at Wynyard, the seat of Lord Londonderry, who had just been appointed lord president of the council.

> The King told me he would hold the Council immediately after dinner, and was much interested to hear that, so far as we had been able to trace, the last occasion on which a Council had been held in a country house belonging to a subject was in October 1625, when Charles I held one at Wilton, the Lord Pembroke of the day being his Chamberlain. Lady Londonderry was greatly excited over the event, and was particularly pleased to learn that the King desired the documents connected with the Council to be headed "At the Court at Wynyard," which is indeed the old style.

As soon as the ladies had left the dining room after dinner the council was held. When it was over three bridge tables were set up at one of which the king and another played with two of the ladies, "and most of the rest played poker."[26]

Page 180. Lambarde, writing about 1591, "of the Kingly *Power*, and *Authoritie*, for the deliverie of *Iustice* to all the sorts, and in all the Suits of his Subjects", quotes from Bracton, chapters ix and x:

> *Rex (& non alius) debet judicare, si solus ad id sufficere possit: cum ad hoc per veritatem sacramenti teneatur astrictus. Exercere igitur debet Rex potestatem Iuris, sicut Dei Vicarius, & Minister in terra. Sin Dominus Rex ad singulas causas determinandas non sufficiat, ut levior sit illi labor in plures personas, partito onere eligere debet viros sapientes, & timentes Deum, & ex illis constituere Iusticiarios.*

[25] Ashmolean MS. 1729, fo. 39.

[26] Sir Almeric Fitzroy, *Memoirs* (2d ed., London, [1923?]), i. 161.

He then says:

> These words doe prove two things serviceable for this purpose: First, That the King ought onely to be the *Iudge* of his people, (if he alone were able to performe that *Office*) as well because hee is within his owne *Kingdome* the *Vice-roy* of *God*, (the supreme *Iudge* of the World) as also for that hee is thereunto bounden by *Oath*, taken at the *Coronation*. The second, That albeit he doe (for the multitude of *Causes*) substitute others underneath him, yet is hee not thereby discharged himselfe; for it is done, *ut levior sit illi labor*, that his labour be the lighter . . .
>
> Only I doe affirme, that the *King* hath a supreme Court of *Prerogative*, whereunto his Subjects in such their necessities may provoke, as to his owne *Royall person* . . . the which our *Kings* in person have oftentimes frequented, and were assisted with such men of *Nobilitie*, *Wisedome*, and *Learning*, as he shall chuse, he may in *Royall presence* use his judiciall *Authoritie*, or other wise for the time abstaine to be *present* there, and leave the proceedings to those selected men . . . and these men thus taken for their *counsell* and *advice*, wee doe commonly call *The Kings Councell* . . .[27]

About 1622 Isaac Cotton, one of the clerks of the Star Chamber, wrote a treatise on "The Course and manner of psecuc̄on of Causes in the highe Court of Starrchamber from the originall Subpña unto the hearing and end of the Cause."[28]

Thirty years before Lambarde had written:

> The Courts of *Law* doe either hold *civill*, or *criminall* Causes (more anciently tearmed *Common Pleas*, and *Pleas* of the *Crowne*) and these *civill* Causes be either moved betweene the *Prince* himselfe, and his *Tenants*

[27] *Archeion*, pp. 95, 96, 97, 101, 102.
[28] Lansdowne MS. 639.

and *Subjects;* or else betweene *Subjects* themselves; and that either of our own *Realme* only, or of it, and another *Realme.*

He declared that sundry things fell out that required an extraordinary help and could not wait for the usual cure of the common rule, so that although in England "the most part of *Causes* in complaint are and ought to be referred to the ordinarie processe & solemne handling of *Common Law*", yet some rare matters had always arisen and would from time to time arise, which must be left to "absolute *Power,* and irregular *Authoritie*".[29]

Page 181. In 1549 rules for the king's council provided that the council attendant should assemble thrice a week, Tuesday, Thursday, and Saturday, and oftener, if the king's affairs required it, in the council chamber, in the morning, to deal with the king's affairs; "and for private sutes theye shall assemble upon the Sonndaye after dyner at two of the clocke, and sitt till foure".[30]

In 1603 James I, by commission under the great seal, appointed all or any six of the privy council to hear private suitors, on Tuesday afternoons:[31]

Prouided allwayes that except his Matie shall upon some extraordinary occac̄on signifye his pleasure, that they are forbidden to interupt the comon Justice of the Realme by entermedling with anie Suites that are depending in courts iudiciall where Rights and Titles are onely to be decyded, and not anie determinac̄on to be sett downe at the counsell table.

Lambarde wrote also:

That the course of the *Common Law* be commonly holden; That men bee not causelessly convented before the King, and his *Councell;* and that the proceeding at the *Councell-Board,* be not upon every light suggestion,

[29] *Archeion,* pp. 20, 21, 78, 79.
[30] Egerton MS. 2603, fo. 33.
[31] Lansdowne MS. 160, fo. 147.

nor to determine finally concerning *Free-hold,* or *Inheritance.* And yet, that upon cause reasonable, upon credible information, and that in matters necessarie, the Kings *Regalitie, Prerogative,* or *Iudiciall Power,* in sending for his *Subjects,* be maintained, as of right it ought, and before hath beene used.

This, he said, did not impede, it assisted the common law.[32]

Page 201. "At Westm̃ the xxjth day off Marche [1541-2] the Cownsell sate nott, for that they sate bothe forenoone and afternoone, at the Parliamet." [33]

Page 253. A correspondent wrote: "I will not trouble you with the names of our new Councell of State, wch is now the Supreame Authority, nor with the Proclamation subscribed by the Generall, requiring Submission to the Decemvirate, because they are in print." [34] According to another account of the same time: "We haue here constituted a new Councell of State consisting of these *10* persons", whom the writer named, who, according to Cromwell's proclamation, were to govern "till a select number of honnest and able men can be called together, for the administration of the Government." [35] The names can also be deduced from attendance at the first meetings of the group.[36]

Page 380. Just after the Restoration Clarendon, probably, declared: [37]

As for Exsample In Queen Elizabeths dayes a gentle man would put his younger soñ, to the vniuersety, then to the Ins of Courte, to haue a smakering in the Lawe, afterwardes to wayte of an Embasador, afterwards, to bee his secretary, Then to bee Lefte as Agente, or rese-

[32] *Archeion,* pp. 131, 132. [33] Nicolas, vii. 329.
[34] Newsletter, 6 May 1653, in Clarendon MS. 45, fo. 356.
[35] Newsletter, 6 May 1653: *ibid.,* fo. 365.
[36] S. P. D., Interregnum, I 69, 29 April 1653, morning and afternoon.
[37] Clarendon MS. 109, fo. 67.

dent, behind him, then sent of many forrayne Imployments,—& after some 30 yeares Breeding, to bee made a Clarke of the signett, or a Clarke of the Counsell,—itt may bee afterwardes secretary of state,—this was not onely breeding, but a breed of statesmen, fitt to serue the greateste monarke in the world . . .

Page 382. There were various meetings of the king and the privy council at Worcester House in 1664 and 1666.[38]

Page 383. In 1670 the lords of the treasury were asked to pay one who had repaired and kept in order the clock in the council chamber since the Restoration.[39] In 1678, since there had been great inconvenience in the council chamber from lack of means for safe keeping of the king's important papers, by order of the council Sir Robert Southwell bought for that purpose an iron chest weighing three hundred and fifty-six pounds.[40] Payments were made sometimes by warrant directed to the treasurer of the king's chamber, at other times the claimant was referred to the commissioners of the treasury, again the necessary expenses of the council, as for herbs, flowers, brooms, brushes, and other things, were paid by the keeper of the council chamber for a year, after which he was satisfied by directing a warrant to the treasurer of his majesty's chamber.[41]

Page 396. After the return of Charles II his anonymous adviser wrote: [42]

Long orations at Counsell one to speake like Tulley, & the other like tasitus, is very rediculous, & most vnfitt, for a Counsell table, To heare themselves twatle away so much pretius time, to no purpose, for a Counsellor should Deliuer his opinion is Cleare, & as shorte,

[38] Stowe MS. 489, fos. 82, 83, 86, 126; Add. MS. 37820, fo. 83.
[39] P. C. R., lxii, 26 January 1669-70.
[40] *Ibid.*, lxvi, 11 October 1678.
[41] *Ibid.*, lxii, 1 July 1670, 8 February 1670-1; lxiii, 22 June 1671.
[42] Clarendon MS. 109, fo. 64.

as hee can, & to that purpose I thinke The Booke of orders, for the Table Derects it so . . .

Page 402, note 144. There are rough minutes of council meetings and of committee meetings, 2-30 April 1661 by Sir John Nicholas—son of Sir Edward Nicholas—and others.[43] "Minutes of Council" during the period 9 August 1661 to 3 April 1667 are in the hands of three clerks of the council—Sir Edward Walker, Sir John Nicholas, and Sir Richard Browne.[44]

II

CORRECTIONS TO VOLUME I

Page xi, twentieth line: for "make" read "makes".

Page 30, third line from the bottom: for "another" read "he".

Page 40, thirteenth line: for "1530" read "1529".

Page 54, note 55: for "11404" read "11402".

Page 184, sixth line from the bottom: for "Wollasrot" read "Wollascot".

Page 200, ninth line from the bottom: for "Noy" read "Finch".

Page 202, note 26: for "*Journal*" read "*Journals*".

Page 237, twenty-first line: for "Essex" read "Escrick"; twenty-third line: for "Swynsen" read "Swynfen".

Page 310, thirteenth and fourteenth lines: for "the office of lord protector was made hereditary" read "Cromwell was asked to name his successor—afterwards he was said to have appointed his son".

Page 325, note 108: for "Nicolas" read "Nicholas".

Page 437, twentieth line, page 443, twentieth line, page 444, note 79: for "Beunigen" read "Beuningen".

[43] Egerton MS. 2555.

[44] Add. MS. 37820. These notes supplement the ones in Stowe MS. 489.

COUNCIL, Star Chamber, Privy Council in the Plantagenet, Yorkist, and Tudor Periods. The primary source surviving is the mass of council records contained in Cotton MSS., Cleopatra, F, iii, iv, and various other Cotton MSS. and Additional MSS. in the British Museum. These materials were edited by Sir Harris Nicolas in the first six volumes of his work, *Proceedings and Ordinances of the Privy Council of England,* 7 vols. (1834-7), which have to do with the period 1386-1454. After a long interval the record is resumed with an order for appointment of a clerk of the privy council, 10 August 1540, in the Privy Council Register, so called from that time. The Register is printed in Nicolas's seventh volume until 8 April 1542.

Save for some intervals, mostly short, the primary source after 10 August 1540 is the series of folios of the Privy Council Register (this series designated now in the Public Record Office as P. C. 2), of which 217 volumes, for the period 1540-1836, are available to the research student in the Public Record Office, London. For this earlier period the volumes are

Henry VIII	i	10 August 1540–22 July 1543
Edward VI	ii-iv	31 January 1546/7–15 June 1553
Mary	v-vii	16 July 1553–30 December 1557
Mary and Elizabeth	viii	1 January 1557/8–12 May 1559

this is a transcript from the original at Hatfield House

Elizabeth ix-xxvi 10 January 1562/3–2 January 1601/2

The earlier record printed in the series of volumes edited by Nicolas was continued by J. R. Dasent, who

edited *Acts of the Privy Council of England*, new series, vols. i-xxxii (1890-1907), while *Acts of the Privy Council of England, 1613-1614* (1921) and *1615-1616* (1927) are volumes of another continuation, and volumes xxxiii and xxxiv of the entire series.

Additional MS. 11402—Abstract of the Registers of the Privy Council, 1550-1610, containing extracts taken by an unknown copyist from council registers some of which are now lost, affords additional information. It was purchased at auction in 1838.

There is no similar record of any distinctive council or court of Star Chamber. The so-called Liber Intrationum, which may have been the name of the lost record of the king's council in Star Chamber, is known now only from extracts copied in certain legal antiquarian collections. Part of Madox's collections, in Add. MS. 4521—"The ordinarie Course of proceedinge in the most honorable Court of starrechamber", gives account of actions "In Camera Stellata" in the time of Henry VII and Henry VIII. Before the first extract is the note: "In Libro Intracionum de Anno primo et secundo henrici 7^{mi} vi ffebr." Other extracts appear in British Museum, Hargrave MS. 216.

The best contemporary descriptions and comments are contained in Hargrave MS. 216, fos. 100-194—Treatise of the Starre-chamber and power of the Priuy Councell, by William Mill, a clerk of the Star Chamber, who wrote in the time of Elizabeth; and especially in William Hudson's Treatise of the Courte of Starre-chamber, composed in the time of James I, perhaps, of which the best source is Add. MS. 11681, but found also in British Museum, Harleian MS. 736, fos. 400-670, in Hargrave MS. 251, and in Bodleian Library, Douce MS. 66, while it has been printed, with fair accuracy, in the second volume of *Collectanea Juridica, Consisting of Tracts Relative to the Law and Constitution of England*, 2 vols. (London, 1791-2).

For Star Chamber business and procedure the primary source is the vast collection of records of cases in Star Chamber preserved now in the Public Record Office. Some of these records and supplementary papers have been printed and edited, especially by I. S. Leadam, *Select Cases before the King's Council in the Star Chamber*, 2 vols. (Selden Society, London, 1903-11), for the period 1477 to 1544. Contemporary accounts are in British Museum, Lansdowne MS. 639—The Course and Manner of Prosecution of Causes in the High Court of Starchamber, by Isaac Cotton, one of the clerks of Star Chamber, written about 1622; Harleian MS. 736, fos. 330-399—Camera stellata: An explanacon of the most famous, and woorthie Courte of Justice in Christendome wth the Offences there punishable, togeather wth the ffees and Orders for proceedinges; William Lambarde's *Archeion, or a Discovrse upon the High Courts of Iustice in England* (London, 1635), written about 1591, of which there is a manuscript version in Harleian MS. 736.

The best modern study of the subject is contained in Cora L. Scofield's *Court of Star Chamber* (Chicago, 1900). The articles of A. F. Pollard, "Council, Star Chamber, and Privy Council under the Tudors", in *English Historical Review*, xxxvii. 337-60, 516-39 (July, October 1922), xxxviii. 42-60 (January 1923), contribute new value and interest to the subject, but are vitiated by very facile deductions, and are not based upon adequate research in the manuscripts or even in the printed materials relating to the subject. E. R. Adair's "The First Clerk of the Privy Council", *Law Quarterly Review*, xxxix. 240-244 (April 1923), also contains material on the possible origin of the privy council from the king's council.

Many manuscripts relating to the council and to the court of Star Chamber are listed in J. Bruce's Class Lists of MSS. in the British Museum, volume i—Add. MS. 28201 A.

As for the later period, much important information is in the State Papers, in the Public Record Office:

State Papers, Domestic, Henry VIII (S. P. 1), i-ccxxxviii, with various other miscellaneous volumes—S. P. 2, fos. A-S; S. P. 3, i-xviii; S. P. 4, one volume; S. P. 5, i-v; S. P. 6, i-xiii; S. P. 7, one volume

Edward VI (S. P. 10), i-xix

Mary (S. P. 11), i-xiv

Elizabeth (S. P. 12), i-cclxxxix; S. P. 13, cases A-H

State Papers, Foreign, in various categories

To some extent they have been printed, while a series of calendars published by the government allows large but less satisfactory study:

State Papers, King Henry the Eighth, 11 vols. (London, 1830-52), reproducing from the Public Record Office, the British Museum, and other collections the originals exactly and *in extenso,* in a manner that was discontinued

Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII, vols. i-xxi in 35 parts (London, 1862-1910), vol. i in three parts, 2d. ed. (1920), an extensive calendar based on records not only in the Record Office but in the British Museum and elsewhere

The series thereafter calendared only what is in the Record Office:

Calendar of State Papers, Foreign Series, Edward VI, 1547-1553, one volume (London, 1861)

Mary, 1553-1558, one volume (London, 1861)

Elizabeth, vols. i-xxi (London, 1863-1927), for the period 1558-1588

Calendar of State Papers, Domestic Series, 1547-1603, 7 vols. (London, 1856-71), of this the first volume is for the period 1547-80, but it commences virtually with the reign of Elizabeth

Certain printed collections of correspondence or despatches contain matter of value: *Correspondance Polit-*

ique de MM. de Castillon et de Marillac, Ambassadeurs de France en Angleterre (1537-1542) (ed. Jean Kaulek, Paris, 1885); Patrick Forbes, *A Full View of the Public Transactions in the Reign of Q. Elizabeth,* etc., 2 vols. (London, 1741).

The Privy Council in the Seventeenth and Eighteenth Centuries. The primary source is the Privy Council Register (P. C. 2), of which the volumes are distributed:

James I	xxvii-xxxii	1 May 1613–28 March 1625
Charles I	xxxiii-liii	27 March 1625–30 August 1645
Charles II	liv-lxx	3 May 1649–4 February 1684/5
James II	lxxi, lxxii	6 February 1684/5–16 December 1688
William III	lxxii-lxxviii	14 February 1688/9–19 February 1701/2
Anne	lxxix-lxxxiv	8 March 1701/2–31 July 1714
George I	lxxxv-lxxxix	1 August 1714–31 May 1727
George II	xc-cvii	14 June 1727–10 July 1760
George III	cviii-cxci	25 October 1760–30 March 1811

For the period from the fall of Charles I to the Restoration the records of the councils then established are contained in the various books of the Committee of Both Kingdoms and in those of the following Councils of State and Protector's Councils, preserved in the Public Record Office:

State Papers, Domestic, Interregnum, Committee for Both Kingdoms (S. P. 21), E 1-E 29, day books and entry books, 1 June 1644-1650

Council of State (S. P. 25), I 1-I 138, for the period 17 February 1648/9–26 May 1660, draft order books, fair order books, letter books, warrant books, records of committees, indexes of the councils of state and of the protectorate councils—some of the indexes supply briefly information about what was embodied in volumes now lost

These records may be supplemented by Add. MS. 37978—Letter Book of Commissioners for Scotland in the Committee of Both Kingdoms, for the period 15 August 1645–27 October 1646, of letters addressed to the committee of estates in Edinburgh, the committee with the army, other committees, and various persons; and Bodleian Library, Rawlinson MS. 134—Proceedings of the Council of State, 1659, for the period 7 June–20 October, and also at the back, 11 and 12 November 1658.

The Register of the Privy Council along with other records of the council was formerly kept in the Privy Council Office, Whitehall. Most of the principal collateral and subsidiary records of the council have been transferred to the Record Office along with the Register. There still remain, however, various miscellaneous papers, some about the Channel Islands, generally of little or no importance for this study.

A vast array of important papers having to do with the council and its committees—such as preliminary minutes of the council, drafts of council orders, warrants, and communications, correspondence with the council, notes and memoranda made by officials present at meetings of the council—is afforded by the collections of State Papers in the Public Record Office. They are primarily the papers of the secretaries of state or papers that were referred to them or that passed through their hands. They contain a miscellany of records, memorials, petitions, letters, orders, warrants, minutes, and notes. For study of the privy council and its committees they are an indispensable sup-

plement to the council register, and, indeed, they embody now the principal subsidiary council papers:

State Papers, Domestic, James I (S. P. 14), 216 bundles of miscellaneous manuscripts—letters and papers, for the period 1603-1625

Charles I (S. P. 16), 541 bundles—letters, papers, order books, etc., 27 March 1625-1648

Interregnum, (S. P. 18), 225 bundles—letters, papers, warrants, February 1649–May 1660

Charles II (S. P. 29), 450 bundles—letters, papers, entry books, note books, navy board papers, with other things of great interest—as Sir Joseph Williamson's Journal, Sir Edward Nicholas's Notes, covering the period 29 May 1660–February 1685

James II (S. P. 31), 5 bundles, February 1685-1688, for this reign the State Papers are scanty and disappointing

King William's Chest (S. P. 8), 18 bundles—letters and papers, 1670 to about 1698

William and Mary (S. P. 32), 15 bundles—letters, papers, newsletters, etc., February 1689–March 1702

Anne (S. P. 34), 37 bundles—letters, papers, petitions, etc., March 1702–July 1714

George I (S. P. 35), 76 bundles—letters, papers, etc., August 1714–June 1727

George II (S. P. 36), 159 bundles, June 1727–October 1760

George III (S. P. 37), 26 bundles arranged so far, 1760–March 1782, containing relatively little—here, as with those of James II, the State Papers give little in comparison with the numerous other manuscripts and excellent printed accounts

Military (S. P. 41), 48 bundles, papers of the secretary at war, etc., 1640-1782

Naval (S. P. 42), 144 bundles—correspondence, papers, etc., of the lords of the admiralty, 1689-1782

Regencies (S. P. 43), 128 bundles: Hanover—correspondence, drafts of letters, etc., of the secretary of state with the king in Hanover, i-lvi, 1716-1755; Whitehall—letters of the secretary of state with the lords justices, lvii-cxxviii, 1716-1760

An important collection of the State Papers, Domestic, are the Entry Books (S. P. 44), of which there are several classes, in all 416 bundles:

Unclassified, i-lxxvi, king's letters, secretaries' letters, warrants, etc., 1623-1710

Criminal, lxxvii-xcvi, correspondence, warrants, 1704-1782

Secretaries' Letter Books, xcvii-cxlv, containing many important references to council and to committee procedure, 1661-1782

Under Secretaries, cxlvi-cxlix, miscellaneous correspondence, 1702-1771

Ecclesiastical, cl-clxi, church and university matters, 1661-1828

Kings' Letters, clxii, clxiii

Military, clxiv-cciii, correspondence, commissions, warrants, 1661-1782

Naval, cciv-ccxxxiv, correspondence, etc., 1673-1782

Petitions, ccxxxv-cclxvi, entry books of petitions, 1661-1784

Regencies, cclxvii-cccxxv, correspondence, minutes, accounts, 1716-1755

Treasury and Accounts, cccxxvi-cccxxviii, cccxxx, cccxxxi, 1716-1783

Warrants and Passes, cccxxxiv-ccccxiii, 1674-1784

Miscellaneous, ccccxiv-ccccxvi

State Papers, Domestic, Various (S. P. 45), 35 bundles, 1695-1782. Of them the first six bundles contain, for the period 1696-1755, numerous minutes of councillors' meetings, but their great importance has to do with the history

of the cabinet and of the private meetings of ministers, for which they are one of the principal sources.

State Papers, Domestic, Supplementary (S. P. 46), 161 bundles, from the fourteenth century to 1682.

State Papers, Ireland (S. P. 63), 480 bundles, for the period 1558-1782, contain scattered papers that concern the privy council of England and its committees; while State Papers, Ireland, Entry Books (S. P. 67), 23 bundles, 1681-1776, embody secretaries' letter books and warrants.

State Papers, Channel Islands (S. P. 47), 11 bundles, for the period 1671-1781.

State Papers, Foreign. The various collections under this classification contain much scattered information about the council and some of the committees, and especially about the secretaries of state, mostly in connection with diplomatic intercourse and the conduct of foreign affairs. Among others:

Flanders (S. P. 77), 112 bundles, 1585-1780

France (S. P. 78), 335 bundles, 1577-1778

Germany—Empire and Hungary (S. P. 80), 240 bundles, 1579-1750

Germany—States (S. P. 81), 196 bundles, 1577-1784

Holland and Flanders (S. P. 83), 23 bundles, 1577-1584

Holland (S. P. 84), 590 bundles, 1585-1780

Spain (S. P. 94), 255 bundles, 1577-1780

Venice (S. P. 99), 80 bundles, 1578-1778

Entry Books (S. P. 104), 271 bundles, 1571-1780, kings' letter books, secretaries' letter books, etc., of which Miscellaneous, clxxvi-clxxx, are minute books of the Committee of Foreign Affairs, a partial record for the years 1668-1678

State Papers, Miscellaneous, Domestic and Foreign (S. P. 9), 244 bundles, of which ccxv is Sir Joseph Williamson's Notebook, 1678.

To some extent the British government has made the manuscripts in these State Papers more widely available by printing from them in summary or in partial quotation:

Calendar of State Papers, Domestic Series, James I, 5 vols. (London, 1857-72)

Charles I, 23 vols. (London, 1858-97)

A series for the interregnum period, 1649-1660, 23 vols. (London, 1875-92)

Charles II, vols. i-xxii (London, 1860-1921), for the period 1660-1681

William and Mary, vols. i-vii (London, 1895-1913), for the years 1689-1696

Anne, vols. i, ii (London, 1916-24), for the years 1702-1704

Calendar of the State Papers relating to Ireland, vols. i-xxii (London, 1860-1912), for the period 1509-1670

These calendars are of great service to the student who has no opportunity to see the originals. Necessarily, however, a great deal, particularly what successive editors have thought less important, has been omitted, so that much of what a student seeks may be wanting. Some of the interregnum volumes are especially full, but the author found that frequently from a quarter to a third of the minutes of the councils were not given in them. Accordingly, he has made slight use of these calendars, and rarely cites them save where the editor may have made contribution in his preface. The indexes are very extensive, and for some studies may be of large service, but not a little of what has been sought for this study is not listed in them.

For the administration of trade and plantations additional sources are the journals and the papers of various committees and commissions and the vast assemblage of

colonial papers, now in the Public Record Office. First in importance is the Journal of the Committee of Trade and Foreign Plantations—C. O. 391, i-viii, for the period 9 February 1674/5-1696, which is continued by the Journal of the Commissioners for Trade and Plantations (Board of Trade)—C. O. 391, ix-lxxxix, for the period 25 June 1696-1782; supplemented by C. O. 391, xc-cxx. Of the journals of the committee and the board there is a complete transcript in the Historical Society of Pennsylvania, Philadelphia.

Supplementary are the Board of Trade Papers, Original Correspondence, Sessional Papers of Colonial Legislatures, Entry Books, Shipping Returns, and many others. Among them:

General Series, C. O. 1, 68 bundles, 1574-1697

America and West Indies, C. O. 5, 1450 bundles, 1606-1776

Antigua and Montserrat, C. O. 7–C. O. 10, 195 bundles, 1644-1870

Bahamas, C. O. 23–C. O. 27, 264 bundles, 1696-1898

Barbados, C. O. 28—C. O. 33, 357 bundles, 1627-1896

Bermuda, C. O. 37–C. O. 41, 275 bundles, 1615-1899

East Indies, C. O. 77, 65 bundles, 1570-1852

Jamaica, C. O. 137–C. O. 142, 781 bundles, 1661-1900

Newfoundland, C. O. 194, C. O. 195, 20 bundles, 1623-1757

West Indies, C. O. 318–C. O. 320, 176 bundles, 1624-1837

Colonies, General, C. O. 323–C. O. 325, 415 bundles, 1662-1853

Board of Trade, Commercial, C. O. 388–C. O. 390, 166 bundles, 1654-1785

Printed collections are

Calendar of State Papers, Colonial Series, 1574-1660 (London, 1860), concerning America and the West Indies

Calendar of State Papers, Colonial Series, America and the West Indies, vols. v, ix-xxvii (London, 1880-1926), for the period 1661-1714

Calendar of State Papers, Colonial Series, East Indies, vols. ii-iv, vi-viii (London, 1862-92), for the period 1513-1634

Journal of the Commissioners for Trade and Plantations, vols. i-iv (London, 1920-5), is in course of publication separately from 3 April 1704, covering so far the period 1704-1722

The best modern accounts of the commissioners are C. M. Andrews, *British Committees, Commissions and Councils of Trade and Plantations, 1622-1675* (Baltimore, 1908—*Johns Hopkins University Studies in Historical and Political Science,* xxvi. 1-151); and O. M. Dickerson, *American Colonial Government, 1696-1765, A Study of the British Board of Trade in Its Relation to the American Colonies, Political, Industrial, Administrative* (Cleveland, 1912).

For accounts of the government of England, the privy council, and many other things, a great deal of information, rare and sometimes unique, is to be had—especially for the earlier period—in accounts sent to various European governments by their representatives in England. The originals of such communications are generally in the repositories of state papers or in libraries in the respective capitals or elsewhere—such as the French Archives, the Simancas Archives, the Archivio Storico in the Frari in Venice for the collection, Dispacci, Inghilterra, 1554-1797, and the Library of St. Mark for various letter books of Venetian ambassadors.

For the student working in London, however, several magnificent series of transcripts are available, in the Public Record Office. Among others:

Transcripts from Venice, 210 vols., 1505-1797, despatches from Venetian ambassadors, *relazioni,* reports,

itineraries: the collection consists partly of Venetian MSS., collected by Rawdon Brown—designated by Roman numerals in the Record Office list—and partly of copies from manuscripts in Venice, many of them by Rawdon Brown, these latter, while valuable, in no sense completely reproducing the particular papers preserved in St. Mark's and the Frari, since the volumes contain not complete transcripts only, but many excerpts, paraphrases, summaries, and quotations.

Spanish Transcripts, Series I, 12 vols., 1488-1532, Series II, 43 vols., 1598-1655, extensive copies from the stupendous collections in the Simancas Archives, and containing many extracts from the Gondomar Papers

Transcripts from Paris, 203 bundles, 1504-1714. Some of the earlier transcripts made by Baschet have now been dispersed chronologically through the series.

These and other groups are supplemented by collections in the British Museum:

"Monumenta Britannica", Transcripts from the Papal Registers relating to England, Scotland, and Ireland—Add. MSS. 15351-15400, for the years 1087, 1093, 1191, 1216-1759. Of them Add. MSS. 15395-15397 contain copies of the well-known despatches of Adda, papal representative in England in the time of James II

Transcripts from the Public Archives of Florence—Add. MSS. 27962 A-27962 W, the correspondence of the ambassadors Amerigo Salvetti, 11 August 1616–22 June 1657, and of his son, Giovanni Salvetti Anteminelli, 29 June 1657-12 January 1679

Copies of Correspondence and State Papers relating to England, Transcribed at the Expense of the English Government, from the Archives of the United Provinces at the Hague, 1576-1764 (except 1581-3 and 1596-7, during which times there was no correspondence), 102 vols.: i-lxxxiv, General Correspondence, 1576-1760, Add.

MSS. 17677A-17677KKK; lxxxv-cii, Secret Correspondence, 1652-1764, Add. MSS. 17677LLL-17677DDDD

Transcripts of Despatches Copied from the Archives of Berlin—Add. MSS. 30000A-30000E, written by Frédéric Bonet, resident in London for Friedrich III, elector of Brandenburg, afterwards Friedrich I, king of Prussia, for the period 3 January 1696–16 December 1701

Important printed collections are

Calendar of Letters, Despatches, and State Papers, relating to the Negotiations between England and Spain, Preserved in the Archives at Simancas and Elsewhere, 21 vols. (London, 1862-99), for the period 1485-1603

Calendar of State Papers and Manuscripts, relating to English Affairs, Existing in the Archives and Collections of Venice, and in Other Libraries of Northern Italy, 29 vols. (London, 1864-1926), for the period 1202-1647

There are also two great printed collections of Venetian *relazioni* or reports of ambassadors:

Eugenio Albèri, *Le Relazioni degli Ambasciatori Veneti al Senato durante il Secolo Decimosesto,* three series, 15 vols. (Florence, 1859-63), of which the first series, relating to European States except Italy, contains reports about England

N. Barozzi and G. Berchet, *Relazioni degli Stati Europei Lette al Senato dagli Ambasciatori Veneti nel Secolo Decimosettimo,* 11 vols. (1856-78)

Since many state papers, being regarded as private possessions of the officials under whose care they came, were taken away from government offices at the expiry of officials' tenure, a vast amount of scattered, but ofttimes most important information, like that in the State Papers and the various despatches, is to be had from family papers and private collections. Many of them are now in the

collections of manuscripts in various libraries, as at Oxford and at Cambridge, and especially in the British Museum.

Among the great number of such collections in the British Museum notable are two great groups relating to the eighteenth century. The Newcastle Papers, 522 volumes—Add. MSS. 32679-33201, embody the correspondence and papers of the family of Pelham and other families allied therewith, especially of Thomas Pelham Holles, afterwards duke of Newcastle, whose long and high service to the state brought him into the inner working of the government of England for nearly fifty years (1716-66). Add. MSS. 32686-32992 embody official correspondence, 1697-1768; other volumes contain home correspondence, diplomatic correspondence, general correspondence, memoranda, minutes. These papers contain not a little about the privy council, but their greater importance is for the history of the cabinet and ministers' relations. The Hardwicke Papers, 929 volumes—Add. MSS. 35349-36278, contain the correspondence and papers of the first four earls of Hardwicke and of other members of the Yorke family, especially of Philip Yorke, first earl of Hardwicke, lord chancellor, and close friend of Newcastle. Like the Newcastle MSS. the Hardwicke Papers are of greater importance in connection with ministers and the cabinet. Since Newcastle and Hardwicke exchanged so many communications the two collections admirably supplement each other.

Many other collections of manuscripts contribute to knowledge of the privy council. Edmonds Papers—British Museum, Stowe MSS. 166-177, are the state papers and correspondence of Sir Thomas Edmonds, agent at Paris, ambassador to Brussels and to Paris, comptroller of the household and treasurer of the household, at times during the period 1592-1633.

Thurloe Papers—Bodleian Library, Rawlinson MSS., part i, A, 1-73, for the period 1638-1660, give information about the protector's council.

Clarendon MSS. 1-135, also in the Bodleian Library, have to do with the period 1523-1805; of them the most important are volumes xxxvii-lxxxv, for the period February 1648/9-1667; c, ci, which contain the celebrated notes passed between Charles II and the lord chancellor at meetings of the privy council—under the title *Notes Which Passed at Meetings of the Privy Council between Charles II. and the Earl of Clarendon, 1660-1667, together with a Few Letters*, etc., edited by W. D. Macray, they were published by the Roxburghe Club (London, 1896); and cix, which contains advice to Charles II, embodying many observations on the government of England in the sixteenth and seventeenth centuries with counsel for the future, written probably by Clarendon, in 1660 or early in the year following.

Pepys MSS.—Rawlinson MSS., part i, A, 170-195A, contain admiralty papers and others.

British Museum, Egerton MSS. 2533-2562, contain official and private correspondence, memoranda, copies of orders of Sir Edward Nicholas, secretary to the admiralty under Buckingham, clerk of the privy council, secretary of state under Charles I and afterwards under Charles II.

Four volumes contain papers for the most part written or brought together by Edward Southwell, who became clerk of the council in extraordinary in 1693 and clerk in ordinary in 1699: Privy Council Routine, 1692-1695—Add. MS. 34349, containing rules, observations, accounts of business to be brought before the council; Privy Council Notes, 1693-1694—Add. MS. 34350, business and procedure; Privy Council Memoranda, 1660-1708—Add. MS. 35107, mostly by Southwell; Privy Council Memoranda, 1540-1718—Add. MS. 38861, mostly by Edward

Southwell, partly by his father, Robert Southwell—clerk of the council in 1664.

North Family MSS., 51 volumes—Add. MSS. 32500-32551—are mostly the papers and writings of Roger North, but Add. MSS. 32518-32520 are the papers of Lord Keeper Guilford, which afford information about council and cabinet under Charles II.

The Diary of the Earl of Anglesey, 1675-1684—Add. MS. 18730—contains no more than bare and meager entries, but affords information about attendance at privy council, committees, and other matters.

Copies of Letters from the Duke of York—afterwards James II—to Lord Dartmouth, 1679-1689—Add. MS. 18447—throw some light on the privy council of 1679.

Sir John Norris's Journals—Add. MSS. 28127-28133, for the period 1710-1741, were written by one of the vice admirals, who was admitted to meetings of the ministers during the years 1739-1741; volumes vi and vii—Add. MSS. 28132 and 28133 are particularly valuable for what they reveal about cabinet meetings and private meetings, but they also have something about the privy council and its committees.

Of the Leeds Papers—Add. MSS. 27914-27918, the last volume—Political Memoranda of Francis Godolphin Osborne, marquis of Carmarthen, duke of Leeds, affords information about ministers, cabinet, and council, 1771-1796; it was edited by Oscar Browning for the Camden Society, new series, xxxv (1884).

A great deal of very important information contained in manuscripts held in private collections has been made available in whole or in part in the appendixes or in the supplementary volumes of *Reports of the Royal Commission on Historical Manuscripts* (London, 1870-). Among others:

Third Report, appendix—*Calendar of MSS. of the Duke of Northumberland,* for the council and the foreign committee of Charles I

Sixth Report, appendix—*MSS. of the Earl of Denbigh,* containing similar information

Eleventh Report, appendix, i—translations of despatches of Amerigo Salvetti to the grand duke of Tuscany, 1625-1628, containing information about the council and about collecting of revenue by councillors

Twelfth Report, appendix, iv, v—*MSS. of the Duke of Rutland,* for the privy council in the seventeenth and eighteenth centuries; vii—*Le Fleming MSS.,* letters and papers of Sir Daniel Fleming, active in country business during the reigns of Charles II, James II, and William III, with information about the privy council and documents of the council

Thirteenth Report, appendix, vi—*Lyttleton-Annesley MSS.,* with extracts from the diary of the earl of Anglesey, 1671-1675

Fourteenth Report, appendix, ix—*Trevor MSS., Hare MSS., Lindsey MSS., Onslow MSS.,* mostly for ministers and the cabinet

Fifteenth Report, appendix, iv—*MSS. of the Duke of Portland,* containing letters and papers of Harley, 1699-1711; v—letters of James, duke of York, to the prince of Orange, 1678-1679, for the privy council of 1679

MSS. of the Marquis of Bath, i—Harley Papers and correspondence of the period of Anne; iii—papers of Matthew Prior, 1693-1721

MSS. of the Duke of Buccleuch and Queensberry, Montagu House, Whitehall—these manuscripts have been removed to Kittering since the work of the commission was done. Volume ii, parts i and ii, contains copious and extremely valuable, but for the purpose of the author insufficient, extracts from the Shrewsbury

Papers, 1674-1696 and 1696-1708, with much about the cabinet, " the committee ", and the privy council

Diary of Viscount Percival, afterwards First Earl of Egmont, i—information about parliament, ministers, and committees, 1730-1733

Manuscripts in Various Collections, i-viii

Ormonde MSS., new series, iv—letters from several correspondents, 1675-1679, to the duke of Ormonde, repeatedly lord lieutenant of Ireland during the period 1644-1684; v—miscellaneous correspondence, 1679-1681, much about the privy council of 1679, and about the council and its committees; vi—miscellaneous correspondence, 1681-1683, for the council, its committees, and the cabinet

Portland MSS., v—correspondence of Harley, afterwards earl of Oxford, with Defoe and others, 1711-1724; viii—Harley Letters and Papers, 1700-1708

Many original accounts, diaries, letters, and papers have been printed in the *Camden Society Publications,* 105 vols. (London, 1838-72), new series, 62 vols. (London, 1871-1901), third series, vols. i-xxxv (London, 1900-25). Similar information is to be obtained from various volumes published by other learned societies, such as the Roxburghe Club.

Various printed collections of documents and papers have some that relate to the council:

State Papers Collected by Edward, Earl of Clarendon, Commencing from the Year MDCXXI, Containing the Materials from Which His History of the Great Rebellion Was Composed, etc., 3 vols. (Oxford, 1767-86), with many papers of Secretary Windebank

John Rushworth, *Historical Collections,* 7 vols. (London, 1682-1701), containing documents relating to the council in the time of Charles I

A great deal is to be had from collections of correspondence that have been printed:

The Earl of Strafforde's Letters and Dispatches, etc., 2 vols. (ed. William Younger, London, 1739)

Letters of the Honourable Algernon Sydney, to the Honourable Henry Savile, Ambassador in France, in the Year 1679, etc. (London, 1742), valuable for the cabinet and especially for the privy council of 1679

[*Sydney Papers*] *Letters and Memorials of State*, etc., 2 vols. (ed. Arthur Collins, London, 1746)

The Correspondence of Henry Hyde, Earl of Clarendon, and of His Brother, Lawrence Hyde, Earl of Rochester, with the Diary of Lord Clarendon from 1687 to 1690, etc., 2 vols. (London, 1828)

The Ellis Correspondence, Letters Written during the Years 1686, 1687, 1688, and Addressed to John Ellis, Esq., Secretary to the Commissioners of His Majesty's Revenue in Ireland, 2 vols. (ed. the Hon. G. A. Ellis, London, 1829)

Private and Original Correspondence of Charles Talbot, Duke of Shrewsbury, with King William, the Leaders of the Whig Party, and Other Distinguished Statesmen, etc. (ed. William Coxe, London, 1821), giving some of the papers in the Buccleuch collection

Letters and Correspondence, Public and Private, of the Right Honourable Henry St. John, Lord Visc. Bolingbroke, during the Time He Was Secretary of State to Queen Anne, etc., 4 vols. (ed. Gilbert Parke, London, 1798), important for committees of the council and the cabinet

The Letters of Horace Walpole, Fourth Earl of Orford, etc., 16 vols. (ed. Mrs. Paget Toynbee, Oxford, 1903-8) and *Supplement to the Letters of Horace Walpole*, etc., 3 vols. (ed. Paget Toynbee, Oxford, 1918-25), concern the period 1732-1797

Useful also are various printed diaries and autobiographical memoirs:

The Diary of Samuel Pepys, 10 vols. (ed. H. B. Wheatley, London, 1893-9) for the privy council and committees of the council in the earlier part of the reign of Charles II

Diary of the Times of Charles the Second by the Honourable Henry Sidney (Afterwards Earl of Romney) Including His Correspondence, etc., 2 vols. (ed. R. W. Blencowe, London, 1843), for the privy council of 1679

Memoirs of John Evelyn, Esq., F. R. S., Comprising His Diary from 1641 to 1705-6, and a Selection of His Familiar Letters (ed. William Bray, London, 1871)

The Memoirs of Sir John Reresby of Thrybergh, Bart., M. P. for York, &c. 1634-1689, Written by Himself (ed. J. J. Cartwright, London, 1875)

Memoirs of Mary, Queen of England, (1689-1693), Together with Her Letters and Those of King James II. and William III. to the Electress, Sophia of Hanover (ed. R. Doebner, Leipzig, 1886), for privy council, ministers, and cabinet

Narcissus Luttrell, *A Brief Historical Relation of State Affairs from September 1678 to April 1714*, 6 vols. (Oxford, 1857), a scrap book containing numerous items, for the most part of minor importance

Memoirs of Thomas, Earl of Ailesbury, Written by Himself (Roxburghe Club, 1890), ill arranged, and not written until about 1728, but containing some valuable information for the time of Charles II

The Private Diary of William, First Earl of Cowper, Lord Chancellor of England 1705-14 (Eton, 1833)

The Diary of the Late George Bubb Dodington, Baron of Melcombe Regis, etc. (ed. H. P. Wyndham, Salisbury, 1784)

Important also are the collected works and literary remains of some of those who took part in the government then or observed it closely:

The Works of the Most Reverend Father in God, William Laud, D. D., Sometime Lord Archbishop of Canterbury, 7 vols. (Oxford, 1847-60), containing his diary and letters

The Life of Edward Earl of Clarendon, Lord High Chancellor of England, and Chancellor of the University of Oxford: in Which Is Included, a Continuation of His History of the Grand Rebellion, Written by Himself, 2 vols. (Oxford, 1857), very important for council, committees, and cabinet under Charles II

The Works of Andrew Marvell, etc., 3 vols. (London, 1776)

The Prose Works of Jonathan Swift, 12 vols. (ed. Temple Scott, London, 1907-8)

The Works of Sir William Temple, Bart., Complete in Four Volumes, to Which Is Prefixed, the Life and Character of the Author, Considerably Enlarged, 4 vols. (London, 1814)

Historical accounts written by contemporaries or composed shortly after the events narrated or written later on but based upon the papers of participants or contemporaries contribute something:

Clarendon, Edward Hyde, Earl of, *The History of the Rebellion and Civil Wars in England,* etc., 6 vols. (ed. W. D. Macray, Oxford, 1888), affords information about the council and its committees

T. H. Lister, *Life and Administration of Edward, First Earl of Clarendon,* etc., 3 vols. (London, 1838), based on the Clarendon Papers in the Bodleian Library

The Lives of the Right Hon. Francis North, Baron Guilford; the Hon. Sir Dudley North; and the Hon. and Rev. Dr. John North, by the Hon. Roger North, together with the Autobiography of the Author, 3 vols. (ed. Augustus Jessopp, London, 1890), originally published 1740-2

Bishop Burnet's History of His Own Time: with the Suppressed Passages of the First Volume, and Notes by the Earls of Dartmouth and Hardwicke, and Speaker Onslow, Hitherto Unpublished, to Which Are Added the Cursory Remarks of Swift, and Other Observations, 6 vols. (Oxford, 1823, 1833)

Foxcroft, H. C., *A Supplement to Burnet's History of My Own Time,* etc. (Oxford, 1902)

Foxcroft, H. C., *The Life and Letters of Sir George Savile, Bart., First Marquis of Halifax &c. with a New Edition of His Works Now for the First Time Collected and Revised,* 2 vols. (London, 1898), a work of very thorough research in the sources

Salomon, Felix, *Geschichte des Letzten Ministeriums Königin Annas von England (1710-1714) und der Englischen Thronfolgefrage* (Gotha, 1894), containing the Duc d'Aumont's description of the council and the cabinet in 1712

Walpole, Horace, *Memoires of the Last Ten Years of the Reign of George the Second,* 2 vols. (London, 1822); *Memoirs of the Reign of King George the Third,* 2 vols. (Philadelphia, 1845)

Dalrymple, Sir John, *Memoirs of Great Britain and Ireland, from the Dissolution of the Last Parliament of Charles II. until the Sea-battle off La Hogue,* 2 vols. (2d ed., London, 1773), with important extracts from the documents

From time to time occurs indispensable information about the privy council and about councillors in the records of parliament. The primary records are

Journals of the House of Lords, of which vols. i-xxxvii cover the period 21 January 1509/10–30 May 1787

Journals of the House of Commons, vols. i-xxxix for the period 8 November 1547–24 March 1784

For the debates, which contain many comments, strictures, and allusions

Cobbett's Parliamentary History of England, 12 vols. (London, 1806-12), relating to the period 1066-1743, continued by *The Parliamentary History of England, from the Earliest Period to the Year 1803,* vols. xiii-xxiv (London, 1812-15) for the years 1743-1785

Debates of the House of Commons, from the Year 1667 to the Year 1694, Collected by the Honble Anchitell Grey, Esq., etc., 10 vols. (London, 1763) is the principal source for the commons' debates in the period to which they refer

Contemporary but stereotyped descriptions of the privy council along with the other parts of the government of England appear in the successive issues of the annual publication—occasionally there was a year without an issue—by Edward Chamberlayne, *Angliæ Notitia: or, the Present State of England; together with Divers Reflections upon the Antient State Thereof* (1st to 20th editions, [London], 1669-1702); carried on by John Chamberlayne (21st and 22d editions, 1704-7), who then continued it as *Magnæ Britanniæ Notitia,* etc. (22d—so-called—to 38th editions, London, 1708-55). There is, apparently, a complete set in the British Museum, while copies of particular issues are found in many places, and are often offered for sale.

Allusions, descriptions, or remarks occur in various contemporary accounts of England and of the English government, such as, Nathaniel Bacon, *An Historical and Political Discourse of the Laws and Government of England, from the First Times to the End of the Reign of Queen Elizabeth, with a Vindication of the Antient Way of Parliaments in England* (4th ed., London, 1739), compiled about 1649 from manuscript notes by John Selden

From pamphlets, of which there is a fine collection in the Bodleian Library and a vast assemblage in the British Museum, much can be obtained with respect to politics and ministers, and something in respect of parliament

and cabinet, but not much of value for the privy council. Among others may be mentioned *A Vindication of the Rights of the Commons of England, by Robert Harley, Esq.* (1701), which contains remarks on the evil practice of a small group superseding the privy council; and *The Fatal Consequences of the Want of System in the Conduct of Public Affairs* (London, 1757), which contains not a little about procedure in the council and at the exchequer by one apparently well informed from research in the council records. Many rare tracts and pamphlets are reprinted in the so-called *Somers Tracts*—Baron Somers, *A Collection of Scarce and Valuable Tracts* (2d ed., revised and augmented by Sir Walter Scott, London, 1809-15).

From English newspapers of the seventeenth and eighteenth centuries, of which the best collection is in the British Museum, strictures, opinions, remarks, and minor items of information about the government and the privy council are to be had from time to time. Important, however, is *The London Gazette* [begun as *The Oxford Gazette* during the residence of the court there in 1665], *Published by Authority,* of which the first number was dated 1 November 1665. In this paper the orders and determinations of the privy council were officially announced to the public: see Egerton MS. 2689, fo. 89. Save for a few numbers the British Museum has a complete file.

In the constitutional histories of England the history and working of the privy council in the seventeenth and eighteenth centuries have generally had slight attention, as have the related subjects of king, cabinet, and executive organs, consideration being given mostly to the development and operation of parliament. No exhaustive work on the privy council after the medieval period has hitherto been attempted, such books as have been written being short or composed without use of many of the essen-

tial sources. Karl Hornemann, *Das Privy Council von England zur Zeit der Königin Elisabeth* (Hanover, 1912), is based on printed materials only.

For almost everything relating to the privy council during the period that it covers E. R. Adair's *The Sources for the History of the Council in the Sixteenth & Seventeenth Centuries* (London, 1924), is an exhaustive bibliography and a scholarly contribution to the subject.

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